LIBRARY
SUPREME COURT, U. S.

No. 71-1319

FILED
APR 13 1972
CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1971.

In re PETER S. SARELAS,

AN ATTORNEY,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS.

PETER S. SARELAS,
10 North La Salle Street,
Chicago, Illinois 60602
CEntral 6-1442
Petitioner, Pro Se.

UNITED STATES LAW PRINTING CO., CHICAGO, ILLINOIS 60618 (312) 525-6581

INDEX

	PAGE
Opinion below	2
Commissioners' Pagination of Record	2
Jurisdiction	3
Constitutional Provisions and Statutes Involved	3
Questions Presented for Review	7
Statement	11
Chronology of the Proceedings	11
Examples of Discriminatory Application of Disciplinary Statutes	25
Inaccurate and Incorrect Recitals in Opinion	33
Reasons for Granting Writ of Certiorari	58
Conclusion	66

Appendix:

"A"—Certified Opinion of Illinois Supreme Court	App. 1
"B"—Decision of Illinois Supreme Court	App. 14
"C"—Order of Illinois Supreme Court Denying Motion to Reconsider and Vacate Decision	App. 16
"D"—Order of Illinois Supreme Court Denying Motion to Stay Decision	App. 18
"E"—Resolution in House of Representatives to Revoke Certificate of Incorporation of Chicago Bar Association	App. 20

CITATIONS

Cases Cited

	PAGE
Ashby v. White, 2 Ld.Raym.— 930	49
Buxhoervenden v. Estonian State Bank, 41 N.Y.Suppl. 2d 753	50
Bowman v. County of Lake, 29 Ill. 2d 269	37
Brownell v. Quinn, 47 Ill. App. 2d 206, 197 M.E.2d 721	57
Clune v. United States, 159 U.S. 590	53
Cox v. Louisiana, 13 L.Ed.2d 487	44
Downer v. Dunaway, 53 F.2d 586	44
Ex parte Steinman, 95 Pa. 220, 40 Am.Rep. 637	60
Ex parte Virginia, 100 U.S. 339, 25 L.Ed. 676	43
Ex parte Young, 209 U.S. 123, 52 L.Ed. 714 (1908)	60
Fleischman v. Maier Brewing Co., 87 S.Ct. 1404, 18 L.Ed. 2d 475 (1967)	55
Fleming v. Illinois Commerce Comm., 388 Ill. 138, 57 N.E.2d 384	66
Garrity v. State of New Jersey, 385 U.S. 493 (1967)	60
Hatfield v. Bailleaux, 290 F.2d 632 (9 Cir. 1961)	58
Hearst Corporation v. Associated Trade Press, Inc., 98 Ill.App.2d 160, 240 N.E.2d 386 (1968)	55
In re Chicago, R.I. & P. Ry. Co., 162 F.2d 606 (7 Cir. 1947)	44
In re Jerome, 31 Ill.2d 384	34, 63
In re Miller, 7 Ill.2d 443, 131 N.E.2d 91	62
In re McCallum, 391 Ill. 400 (1945)	38

PAGE

In re Roth, 398 Ill. 131, 75 N.E.2d 278 37

In re Michael Serritella, 5 Ill. 2d 393 26

Kelly v. Fahrney, 145 Ill. App. 80, affirmed 242 Ill. 240 58

Louisiana State Board of Education v. Baker, 339 F. 2d 911, (5 Cir. 1964) 60

Lawrence v. Hagerman, 56 Ill. 68 49

Maclaskey v. McCartney, 324 Ill. App. 498 48

Metropolitan R. Co. v. McFarland, 195 U.S. 322 53

National Ass'n for Advance. of Colored People v. Button, 83 S.Ct. 328, 371 U.S. 415 ..... 45, 62

People v. McKinlay, 367 Ill. 504, 11 N.E.2d 933 53

People ex rel. Chicago Bar Association v. Amos, 246 Ill. 299 63

People v. Metzen, 291 Ill. 35 38

Rocca v. Thompson, 223 U.S. 317 50

Schmidt v. Cooper, 195 Ill. App. 531 52

School Board of City of Charlottsville, Va. v. Allen. 240 F.2d 59 (4 Cir. 1956) 60

Sao Vicente, 260 U.S. 151 50

Schware v. Board of Bar Examiners of N.M., 77 S.Ct. 752, 353 U.S. 232 61

Skolnick v. Martin, 47 Ill. App. 2d 167, 197 N.E.2d 739 .. 14

Smith v. Department of Registration, Etc., 412 Ill. 332, 106 N.E.2d 722 65

Smoot v. Fox, 353 F.2d 830 (1963) 55

Spires v. Bottorf, 317 F.2d 273 (7 Cir. 1963) 58

PAGE

Stiltner v. Rhay, 322 F.2d 314 (9 Cir. 1963) 58

Tansor v. Checker Taxi Cab Co., 27 Ill.2d 250, 188 N.E. 2d 659 47

Tranowski v. Chicago Bar Association, 309 F.2d 421 (7 Cir. 1962) 25

Constitutional Provisions

United States Constitution:

Fourteenth Amendment 3-4

Article VI, Second Clause 3

Article III, Sec. 8, Clause 17 56

Constitution of Illinois:

Article I, Section 1 4

Article I, Section 2 4

Article I, Section 12 ..... 4, 58

Article VI, Section 1 ..... 4, 10, 15, 58

Statutes

United States Code:

Title 18, Section 241 ..... 4, 59

Title 18, Section 242 ..... 4-5, 59

Title 18, Section 1503 ..... 5, 59

Title 28, Section 1257(3) 56

Title 28, Section 1331 56

Title 28, Section 1351 49

Title 40, Section 255 56

PAGE

Illinois Revised Statutes, 1967-1969:

Chapter 110A, Section 751(a) 5, 7, 8, 9, 10, 25, 35

Chapter 110A, Section 751(b) 6, 8, 9, 13, 15, 16, 20, 35, 36, 37, 59, 62, 64

Chapter 38, Section 32-5 ..... 6, 8, 13, 59

Chapter 38, Section 32-7 ..... 6, 8, 13, 59

Chapter 38, Section 33-3(a)(b)(c), 33-1(d)(e) 52

Illinois Revised Statutes, 1970-1971:

Chapter 110A, Section 61(c)(1) 7

Chapter 110A, Section 61(c)(2) 7

Chapter 110A, Section 61(c)(3) 7

Chapter 131, Section 1.15 36

Illinois Revised Statutes, 1959-1963, Ch. 110, Sec. 101.19-6 47

Illinois Revised Statutes, 1959-1961, Ch. 110, Section 101.19-2(1)(3) 52

Illinois Revised Statutes, 1967, Ch. 110, Secs. 41, 57(5) 54

References

Fiore, Nouveau Droit International Publique, 2nd Edition, 595, Section 1181 50

Guide to Subversive Organizations and Publications, House of Representatives Documents: No. 226, p. 42, and No. 398, p. 50 46

In the
Supreme Court of the United States

OCTOBER TERM, 1971.

NO.

In re PETER S. SARELAS,

AN ATTORNEY,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS.

Petitioner prays that a Writ of Certiorari be issued to review the Decision of the Supreme Court of Illinois, filed on November 30, 1971, suspending the petitioner from the practice of law for a period of two years, and until further order of the Court. (App. "B", 14-15.) Petitioner's Motion to Reconsider and Vacate the Decision of the Illinois Supreme Court, was denied on January 14, 1972. (App. "C", 16-17.)

OPINION BELOW

The Certified Opinion of the Supreme Court of Illinois, is attached as Appendix "A" (pp. 1-13). It is reported in 50 Ill. 2d 87. 277 N.E. 2d 313.

The Commissioners' own pagination of the Record.

The Record filed in the Supreme Court of Illinois by the Commissioners, without submitting it to petitioner for examination, contains their own pagination which is not consecutive and imposes a burdensome confusion.

In Volumes I, II, III, the pagination of the transcripts of proceedings had appears on the upper right side of the page and is not consecutive with the pagination on the other pages of each volume. Volume IV, does not contain any transcript of proceedings. Volume V consists of separate documents, each with its own original pagination. Another Volume consists of the transcript of proceedings had on March 25, 1970, and on April 2, 1970. It also contains the certified corrections of inaccuracies in the transcript. The other papers are identified separately.

Petitioner, realizing the burdensome confusion of such pagination of the Record by the Commissioners, will make references to pages in the Record, with identification of the Volume, and refer to the pages in the transcripts of proceedings had, with the additional identification of the date. References to documents in Volume Five, will describe the title of the document and page number. Reference to the other separate papers will be identified by title and page number.

JURISDICTION

The Decision of the Supreme Court of Illinois, was entered on November 30, 1971. A certified copy is attached as Appendix "B" (pp. 14-15). The Order of the Illinois Supreme Court entered on January 14, 1972, denied petitioner's Motion to Reconsider and Vacate the Decision entered on November 30, 1971. A certified copy is attached as Appendix "C" (pp. 16-17). The jurisdiction of this Court is invoked under 28 U.S.C. 1257(3).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

A.) United States Constitution, Article VI, 2nd and 3rd Clauses:

> "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.
>
> "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution;".

B.) United States Constitution, Fourteenth Amendment, Section 1:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law

which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

C.) Constitution of Illinois, Article I, Section 1:

"All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed."

D.) Constitution of Illinois, Article I, Section 2:

"No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws."

E.) Constitution of Illinois, Article I, Section 12:

"Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly."

F.) Constitution of Illinois, Article VI, Section 1:

"The judicial power is vested in a Supreme Court, and Appellate Court and Circuit Courts."

G.) Title 18 of United States Code, Section 241:

"If two or more persons conspire to injure, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or Laws of the United States, or because of his having so exercised the same; * * * ."

H.) Title 18 of United States Code, Section 242:

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any

inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, * * * ."

I.) Title 18 of United States Code, Section 1503:

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, in any court of the United States, * * * or injures any party or witness in his person or property on account of his having attended such court, * * * or on account of his testifying or having testified to any matter pending therein, * * * or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, * * * ."

J.) Illinois Revised Statutes, 1967-1969, Chapter 110A, Section 751(a):

(a) The Board of Governors and its existing Committee on Grievances, and their successors as such, of the Illinois State Bar Association, and the Board of Managers and its existing Committee on Grievances, and their successors as such, of the Chicago Bar Association, are hereby appointed as Commissioners of the Supreme Court and are empowered and charged to make investigations from time to time, as may be necessary, concerning practices of attorneys at law which tend to defeat the administration of justice or to bring the courts and the legal profession into disrepute. To this end, these commissioners are further empowered and charged to receive, entertain, inquire into, and take proof concerning complaints against attorneys at law of this State, and may call to their assistance in such inquiries other members of the bar or bar associations of the State, may make all necessary rules and regultaions concerning the conduct of

such inquiries, and may themselves, or by such committees as they may designate, take the evidence of witnesses, as hereinafter provided.

K.) Illinois Revised Statutes, 1967-1969, Chapter 110A, Section 751(b):

(b) No complaint against an attorney at law shall be entertained unless it is signed by the person or persons aggrieved or by the president and secretary of a regularly organized bar association or by the chairman of a regularly appointed committee of the Chicago or Illinois State Bar associations and unless it is sufficiently clear and specific in its charges as reasonably to inform said attorney at law of the acts of misconduct he is claimed to have committed.

L.) Illinois Revised Statutes, 1967-1969, Chapter 38, Section 32-5:

"False Personation of Judicial or Governmental Officials.

"A person who falsely represents himself to be * * * a public officer or a public employee shall be fined not to exceed $500 or imprisoned in a penal institution other than the penitentiary not to exceed 6 months, or both."

M.) Illinois Revised Statutes, 1967-1969, Chapter 38, Section 32-7:

"Simulating Legal Process.

"A person who issues or delivers any document which he knows falsely purports to be or simulates any civil or criminal process shall be fined not to exceed $500 or imprisoned in a penal institution other than the penitentiary not to exceed 6 months, or both."

N.) Illinois Revised Statutes, 1970-1971, Chapter 110A, Section 61(c)(1):

"The Integrity of Our Legal System.

"A judge should bear in mind that ours is a government of law and not of men and that his duty is the application of general law to particular instances. He should administer the office with due regard to the integrity of the system of the law itself, remembering that he is not a depositary of arbitrary power, but a judge under the law."

O.) Illinois Revised Statutes, 1970-1971, Chapter 110A, Section 61(c)(2):

"The Public Interest.

"Courts exist to promote justice, and thus to serve the public interest. Their administration should be speedy and careful. Every judge should at all times be alert in his rulings and in the conduct of the court."

P.) Illinois Revised Statutes, 1970-1971, Chapter 110A, Section 61(c)(3):

"Constitutional Obligations.

"It is the duty of all judges to support the Federal and applicable State constitutions; in doing so, they should fearlessly observe and apply fundamental limitations and guarantees."

QUESTIONS PRESENTED FOR REVIEW

1. Whether Section 751(a) of Chapter 110A, Illinois Revised Statutes, 1967-1969, herein quoted on page 5, is unconstitutional by empowering the Chicago Bar Association, a private corporation, to empower an assemblage of persons as commissioners, to interfere with, inquire into, review, re-litigate and obstruct in petitioner's private litigation, past and pending, and to act as a super-court or board of inquisition, invading and violating petitioner's Federal constitutionally protected rights, privileges, and immunities.

2. Whether Section 751(a) is unconstitutional by empowering the private corporation, Chicago Bar Association, to empower an assemblage of persons as commissioners, to invade and violate the Federal constitutionally protected rights of petitioner, not to have his private litigation, past and pending, interfered with, reviewed, or re-adjudicated, and to empower such persons to act as a super-court or board of inquisition, outside of, or over and above, the duly constituted State and Federal Courts system.

3. Whether the said Section 751(a) is unconstitutional by empowering the aforesaid Chicago Bar Association, to empower an assemblage of persons as commissioners, to act as a super-court or board of inquisition, to accuse and prosecute the petitioner for his having exercised his equal right of access to courts, and for his filing in the State and Federal Courts legal papers acting on behalf of himself, a private litigant, and his prosecution of court actions affecting his own person, and property.

4. Whether said Section 751(a) is unconstitutional by empowering the Chicago Bar Association, to empower persons as commissioners, to make, issue, and circulate papers labeled "ORDER"; to make judicial decisions, rulings, conclusions, findings, in clear violation of Article VI, Section 1, of the Constitution of Illinois, which vests judicial power *solely* in the duly constituted courts, and in violation of Section 32-5 of Chapter 38, Illinois Revised Statutes, 1967-1969, which makes it a criminal offense to personate judicial or governmental officials, and in violation of Section 32-7 thereof, which makes it a criminal offense to simulate legal process; all without a signed and verified complaint, or a signed complaint, required and specified by Section 751(b), herein quoted on page 6, without a complainant or any witness having appeared to testify, and without evidence.

5. Whether Section 751(a) is unconstitutional by empowering the Chicago Bar Association, a private corporation, to empower an assemblage of persons as commissioners, without a signed and verified complaint, or a signed complaint, required and specified by Section 751(b), herein quoted on page 6, without a complainant or any witness having appeared to testify, and without evidence, to make, publish and circulate papers, labeled "Report", containing altered, distorted, and falsely fabricated versions of petitioner's complaints filed in the State and Federal Courts on behalf of himself, a private litigant, in past and pending litigation, and to represent such altered, distorted, and falsely fabricated versions as "evidence".

6. Whether Section 751(a) is unconstitutional by empowering the said Chicago Bar Association, to empower an assemblage of persons as commissioners, to intimidate, harass, oppress and torment the petitioner, an American citizen and a wounded combat veteran of World War I, repeatedly since November 1965, and to utter, compose, publish, circulate and perpetuate false and malicious libelous and defamatory statements against petitioner with the patent purpose, design and intent to impoverish and destroy petitioner.

7. Whether Section 751(a) is unconstitutional by empowering the Chicago Bar Association, to empower an assemblage of persons to act as commissioners of the Illinois Supreme Court, without a special reference by said Court; without first docketing the instant matter in the Illinois Supreme Court; without examination of the qualifications of such persons by a governmental authority; without the oath administered to such persons; without taking or subscribing to the oath or affirmation; and without certification for such persons to act as agents of the Illinois Supreme Court.

8. Whether Section 751(a) is unconstitutional by empowering the Illinois Supreme Court, to empower the private corporation Chicago Bar Association, to again in its turn empower an assemblage of persons as commissioners, in clear violation of Article VI, Section 1, of the Illinois Constitution, which vests judicial power *solely* in the duly constituted courts, to invade and violate the Federal constitutionally protected rights of petitioner, not to have his private litigation, past and pending, interfered with, reviewed or re-adjudicated, and to empower such assemblage of persons to act as a super-court or board of inquisition, outside of, or over and above the duly constituted State and Federal Courts system.

9. Whether Section 751(a) is unconstitutional by empowering the Illinois Supreme Court, to empower the Chicago Bar Association, a private corporation, to again in its turn empower an assemblage of persons as commissioners, in clear violation of Article VI, Section 1, of the Illinois Constitution, which vests judicial power *solely* in the duly constituted courts, to act as a super-court or board of inquisition, to accuse and prosecute the petitioner for his having exercised his equal right of access to courts, and for his filing in the State and Federal Courts legal papers acting on behalf of himself, a private litigant, and his prosecution of court actions affecting his own person, and property.

10. Whether Section 751(a) is unconstitutional by empowering the Illinois Supreme Court, to empower the private corporation, Chicago Bar Association, to again in its turn empower persons as commissioners, in clear violation of Article VI, Section 1, of the Illinois Constitution, described in the paragraph preceding, to obstruct and deprive petitioner of the equal right of access to courts, equal

right to sue, be party, to give evidence, and to obstruct and deprive petitioner, an American citizen, and a wounded combat veteran of World War I, of the equal right to the full and equal benefit of all laws and judicial proceedings for the security of person and property.

STATEMENT

Chronology of the Proceedings

(a) *On November 1 1965,* petitioner received a letter dated November 2, 1965, on the letterhead of Committee on Inquiry of the Chicago Bar Association, signed by the Secretary. The pertinent parts of the letter are as follows:

> "I am directed by the Committee on Inquiry of the Chicago Bar Association to advise you that it has instituted an inquiry concerning you with regard to certain litigation involving certain judges."
>
> "The Committee directs that you be present, and bring with you your files and records in this matter." (Vol. Five, Addendum to Record, page 1).

(b) *On November 4, 1965,* petitioner addressed a letter to the Committee on Inquiry of the Chicago Bar Association, attention of the Secretary. The pertinent parts of the letter are as follows:

> "I request that you furnish me by November 9, 1965, the following:
>
> "1. Copy of Complaint, if any, with full specifications as to the matter of inquiry.
>
> "2. The name of the complainant, if any.
>
> "3. The nature and reason, source and purpose of the inquiry.
>
> "4. What 'certain judges', and what 'certain litigation', referred to in the first paragraph of your letter.

"5. Copy of the Rules of the Committee.

"6. List of members of the Committee.

"7. List of members of sub-committee, if any.

"8. What 'files and records in this matter' are referred to in paragraph third of your letter stating, 'and bring with you your files and records in this matter.'

"Please acknowledge receipt of this letter." (Vol. Five of Record, Addendum to Record, page 2.)

Receiving no response, petitioner addressed a second letter to the Committee on Inquiry, attention of its Secretary, demanding once again to be informed as requested in his letter of November 4, 1965. (Vol. Five of Record, Addendum to Record, page 3.)

No response was made to petitioner's two letters, but instead, on November 19, 1965, he received a letter from the Secretary of the Committee on Inquiry, repeating substantially the same as in his letter of November 2, 1965 (Vol. Five, Addendum to Record, p. 1), and ordering again that petitioner bring his files and records without specific reference as to what files and records. (Vol. Five, Addendum to Record, page 4.)

On November 23, 1965, petitioner addressed a third letter to the Committee on Inquiry, attention of its Secretary, repeating his demand to be informed. And to the third letter there was no response. (Vol. Five, Addendum to Record, page 5.)

(c) *On March 3, 1966*, one Morris L. Simons, purporting to be empowered as a functionary of the Chicago Bar Association, by and through the medium of telephone, sought to frighten and intimidate the petitioner, and sought

to induce him to violate attorney-client ethics and privilege, regarding matters handled by petitioner in 1962, for his then client, Sherman H. Skolnick. (Vol. I of Record, page 66; Vol. III of Record, page 379.)

(d) *On March 4, 1966,* a letter was delivered to petitioner through the United States Mail, dated March 3, 1966, signed by the said Morris L. Simons, for the obvious purpose to frighten and intimidate the petitioner, in which letter Morris L. Simons, stated:

> "This is to confirm our telephone conversation on March 3, 1966 in which you declined to discuss your representation of Mr. Sherman H. Skolnick before Judge Joseph S. Perry without the consent of Mr. Skolnick." (Vol. III of Record, p. 379; Vol. Five, Addendum to Record, p. 6; Vol. I of Record, p. 66.)

(e) *On March 28, 1966,* an unsigned and unverified complaint was filed, in violation of Section 751(b) of Chapter 110A, Illinois Revised Statutes, 1967-1969, formerly Section 101-59 of Chapter 110, set forth verbatim on page 6 herein. (Vol. I of Record, pp. 1, 7).

(f) *On April 7, 1966,* one Charles E. Herzog, purporting to be a functionary of the Chicago Bar Association, simulated legal process and personated a judicial official by making, issuing and signing a paper labeled "Order", and ordering service of an unsigned and unverified complaint on petitioner, and a "hearing" before the Grievance Committee, all in violation of the aforesaid Section 751(b) in the paragraph preceding; and in violation of Section 32-5 of Chapter 38, Illinois Revised Statutes, 1965-1969, which makes it a criminal offense to personate falsely a judicial or governmental official, and in violation of Section 32-7 of said Chapter 38, which makes it a criminal offense to simulate falsely legal process. (Vol. Five, Addendum to Record, page 16).

The said Charles E. Herzog, was law partner and associate of one Charles T. Martin, who was sued by Sherman H. Skolnick, to recover damages for torturing, terrorizing and intimidating him, a paraplegic invalid and cripple, for four hours and twenty minutes continuously in their office, under the sham and pretense of taking his deposition. (Vol. I of Record, pp. 17-18, par. 15(b); Vol. II of Record, p. 156, par. 15(b), and p. 157, first paragraph). See: Skolnick v. Martin, 47 Ill. App.2d 167, 197 N.E.2d 739, at 740, second column.

(g) *On April 7, 1966*, the assemblage of persons purporting to be empowered as commissioners by the Chicago Bar Association, a private corporation, caused an unsigned and unverified complaint to be published and circulated against the petitioner, simulating legal process and judicial proceedings. Such complaint contained unfounded and unproven conclusions, with false, distorted and defamatory descriptions of the private litigation of petitioner, as individual, linking him with the litigation of Sherman H. Skolnick, in which petitioner was a total stranger. (Vol. I of Record, pp. 1-7.)

(h) *On October 5, 1966*, in the late afternoon, the assemblage of persons purporting to be empowered as aforesaid, procured and caused an armed person wearing a policeman's uniform to invade petitioner's office, who took a position of aiming against petitioner to frighten and menace him, and after making all the terrorizing and menacing gestures and motions, reached and pull out a paper labeled subpoena, commanding the petitioner to appear on October 6, 1966, at 6:30 P.M., before an assemblage of persons consisting of Lester Asher, Morris J. Wexler, David Jacker and Sydney Wolfe. (Vol. Five, Addendum

to Record, p. 21; Vol. I of Record, pp. 62-63; Vol. I of Record, transcript of proceedings of October 6, 1966, pp. 5-7, 10, 16-17, 19-20.)

The said persons purported to act as commissioners, without jurisdiction, without authority, without a signed and verified complaint, or a signed complaint, as required and specified by Section 751(b) of Chapter 110A, Illinois Revised Statutes, 1967-1969, formerly Section 101-59 of Chapter 110, set forth verbatim on page 6 herein; without a complainant or any witness appearing to testify and without evidence.

(i) *On October 6, 1966*, the assemblage of persons named in paragraph (h), presided by Lester Asher, received the unsigned and unverified complaint against respondent as "evidence", in violation of said Section 751(b), and consisting of unfounded and unproven conclusions only, without a complainant or any witness appearing to testify, and without evidence. (Vol. I of Record, p. 7, pp. 2-7.)

John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant, *stated that he has no witnesses*. (Vol. I, transcript of proceedings of October 6, 1966, p. 41.)

John W. Schelthoff on April 2, 1970, admitted that the only "evidence" consisted of "all of the complaints and actions" that were filed by petitioner "over the years" (Transcript of proceedings had on April 2, 1970, p. 32.)

The petitioner objected and challenged the jurisdiction and authority of said assemblage of persons to function and proceed, in violation of the Illinois Constitution, Article VI, Section 1, which vests judicial power solely in the

duly constituted courts, with no power for the courts to delegate any of their duties to any person or persons, not of the judicial branch of government; and in violation of said Section 751(b) of Chapter 110A, set forth verbatim on page 6 herein; and in violation of Section 32-5 of Chapter 38, Illinois Revised Statutes, 1965-1969, which makes it a criminal offense to personate falsely judicial officials, and in violation of Section 32-7 thereof, which makes it a criminal offense to simulate falsely legal process.

(j) *On October 6, 1966,* the petitioner objected and challenged the asserted jurisdiction and authority of said assemblage of persons, presided by Lester Asher, to receive as "evidence" an altered, unsigned complaint against petitioner, which contained changes, notations, interlineations, admitted to have been made by John W. Schelthoff, attorney for a pretended, unseen and unheard of complainant. Such attorney refused to furnish to petitioner a copy of such altered complaint, although repeatedly requested. (Vol. I, transcript of proceedings of October 6, 1966, pp. 36-38; Vol. I of Record, p. 52, par. 2; p. 54, p. 63, 2nd par.; Vol. Five, Addendum to Record, p. 23, par. 2; Vol. III of Record, p. 380, last par.; Vol. II, transcript of proceedings of November 10, 1966, p. 128.)

(k) *On October 6, 1966,* was the first session convened by the assemblage of persons named in paragraph (h), purporting to be empowered as aforesaid.

The petitioner objected and challenged the purported jurisdiction and authority of such assemblage of persons to receive and file instanter, without Notice and without service of copy, a purported "Amendment" to the unsigned and unverified complaint, which said Amendment was not signed by a person authorized to sign by Section 751(b) of Chapter 110A, Illinois Revised Statutes, 1967-1969, formerly Section 101-59, of Chapter 110.

Petitioner objected to the denial of his request to examine such Amendment before filing, and objected to ordering an answer to such Amendment within seven days, although the Committee Rules specify a minimum of 15 days, with timely Notice and service of copy before filing. (Vol. I, transcript of proceedings, pp. 9-10, p. 13, last par., pp. 13-14, p. 24, last par.; Vol. Five, Addendum to Record, p. 23; Vol. I of Record, p. 51, p. 54, par. 1, p. 62, p. 63, par. 2; Vol. III of Record, p. 380, pars. 2nd, 3rd, 4th, 5th.)

(l) *On November 10, 1966*, the second session was convened by the assemblage of persons named in paragraph (h), purporting to be empowered as aforesaid.

The petitioner objected and challenged the jurisdiction and authority of said assemblage of persons to receive as "evidence", a xerocopy of an order which was vacated or amended 44 days previously, nunc pro tunc as of September 12, 1966, showing that a Complaint in the Federal Court Case No. 66 C 1351 (Vol. II of Record, p. 153), was dismissed "without prejudice." A xerocopy of the amended order is attached to Objections to "Report", Exhibits "1", "1-A", found in Volume Five of Record. (Vol. I, transcript of proceedings of November 10, 1966, pp. 101, 114-115, 119-122; Vol. I of Record, p. 64, par. 3, continued on page 65; Vol. III of Record, p. 381, 3rd par.)

The prosecuting attorney, John W. Schelthoff, stated that the complainant rested. (Vol. I, transcript of proceedings of Nov. 10, 1966, p. 120.)

(m) *On February 1, 1968*, an ex parte illegal session was convened by the assemblage of persons aforementioned, after stating on October 6, 1966, that the prosecutor has no witnesses (Vol. I, transcript of proceedings, p. 41), and after stating on November 10, 1966, that complainant rested.

This ex parte illegal session was convened after receiving petitioner's Notice and letter, via Certified Mail, with Return Receipt showing delivery on January 29, 1968, that petitioner's Case in the Federal Court, No. 66 C 1773, was pending (Vol. I of Record, pp. 19-35; Vol. II of Record, p. 223), wherein Lester Asher, presiding in the proceedings against petitioner, was a defendant, and to desist from convening sessions, if at all, during the pendency of the Case in the Federal Courts. (Vol. II of Record, p. 223, showing that the Notice was filed on January 29, 1968; Vol. II, transcript of proceedings, February 1, 1968, pp. 133-134, 136, 147-148, 150.)

Lester Asher presiding, stated to John W. Schelthoff, attorney for an unseen, unheard of and pretended complainant:

"I think once again rested your case."

Schelthoff replied: *"Yes, sir."* (Vol. II, transcript of proceedings of February 1, 1968, p. 155.)

Lester Asher stated that Commissioner Cotsirilos disqualified, and excluded Commissioner Hickey, stating that Hickey will not participate in any of the decisions and consideration of the case. (Vol. II, transcript of proceedings of February 1, 1968, pp. 157-158.)

Thereupon, Lester Asher announced:

"The case is, therefore, closed." (Vol. II, transcript of proceedings, p. 159.)

On page 1, Volume I of Record, it is stated:

"February 1, 1968, Proofs closed."

(n) *On April 24, 1969*, a fourth illegal session was convened, with only Lester Asher and Morris J. Wexler present, each declaring that he was "chairman".

Although on November 10, 1966, it was stated that complainant rests (Vol. I, transcript of proceedings, p. 120, lines 1-2), and on February 1, 1968, during the third illegal session described under paragraph (m) herein, the presiding Lester Asher announced, "The case is, therefore, closed" (Vol. II, transcript of proceedings of February 1, 1968, p. 159), which is confirmed on page 1 of Volume I of Record with the statement, "February 1, 1968, Proofs closed", the aforesaid Lester Asher and Morris J. Wexler, on April 24, 1969, allowed John W. Schelthoff, attorney for an unseen, unheard of, and pretended complainant, to offer copies of complaints in the private litigation of petitioner, past and pending, as "evidence", without a previous Notice, without service of any papers, without a complaint, without a complainant or any witness to testify and without evidence.

The petitioner objected and challenged the jurisdiction and authority of the said Lester Asher and Morris J. Wexler, to proceed and act in violation of the Constitutional guarantees of Due Process and Equal Protection of the Laws.

Lester Asher and Morris J. Wexler ordered a session for May 8, 1969, the fifth one. In Volume I of Record, page 1, it is stated that the "Hearings Held" were only "October 6, 1966; November 10, 1966; February 1, 1968 Proofs Closed."

(o) *On May 8, 1969*, which was two years, five months and 29 days after November 10, 1966, when the said John W. Schelthoff declared that complainant rests, the petitioner objected and challenged the jurisdiction and authority of said assemblage of persons, to receive as "evidence" copies of complaints of petitioner's past and pend-

ing litigation, as individual, without a signed and verified complaint or a signed complaint, as required by Section 751(b) of Chapter 110A, Illinois Revised Statutes, set forth verbatim on page ..... hereof, and without a complainant or any witness appearing to testify, and without evidence.

Lester Asher, presiding, ordered: received as "evidence" as of April 24, 1969. (Vol. III, transcript of proceedings of May 8, 1969, p. 54; Vol. III, transcript of proceedings of April 24, 1969, pp. 184-185, 190, 199.)

Commissioner Warren J. Hickey, was not present in any of the previous sessions (Vol. III, transcript of proceedings, p. 20); and Commissioner Kevin J. Gillogly, was only present once before, on November 10, 1966 (Vol. III, transcript of proceedings, p. 14.)

(p) Petitioner made repeated demands to be furnished the names of witnesses, if any, and a list of documents proposed to be offered in evidence. All demands were denied. (Vol. Five, Addendum to Record, p. 23; Vol. I of Record, p. 53; Vol. I, transcript of proceedings of October 6, 1966, p. 21, last par.; p. 23, 7th and 8th pars.; Vol. I, transcript of proceedings of November 10, 1966, p. 65, 3rd par., p. 66, first paragraph.)

(q) In Volume IV of "Report", only the typewritten name of Lester Asher, appears as the signer. (Vol. IV, p. 403.) It is labeled "Findings of the Committee on Grievances", knowing that there was no signed and verified complaint, or a signed complaint, as required and specified under Section 751(b) of Chapter 110A of the Illinois Revised Statutes, 1967-1969; and knowing that no complainant or any witness appeared to testify; and knowing that

no proof was made; and knowing that such "Findings" are fictitious, and were made, published and circulated with the caption "In The Supreme Court of Illinois", in order to give such falsely fabricated "Findings" a wider circulation, since on to wit: November 14, 1969, which was five months and 20 days before the filing on May 4, 1970, in the Illinois Supreme Court.

Such "Findings" are prefaced by a statement consisting of unfounded and unproven conclusions only, demonstrating willful and malicious defamation mongering.

No reference to the pages in the Record is made in support of such "Findings". They reveal the devious technique of lumping into one paragraph words plucked out of context from several pages, thereby distorting, falsifying and omitting the highly specific fact allegations in petitioner's Complaints, attached to Volumes I, II and III of 'Report", which were never denied by the defendants named therein.

(r) *On April 13, 1970,* a paper labeled "ORDER", signed by one Dean A. Esling alone, was delivered by mail to petitioner, postmarked April 10, 1970 and dated April 3, 1970, approving "The Report and Findings" of Lester Asher, "with the exception of Finding No. 10 Volume IV, page 391", which had falsely charged and circulated that petitioner had filed a certain action on behalf of Sherman H. Skolnick, which said action was prepared and filed by Skolnick alone, more specifically related in the Affidavit of Sherman H. Skolnick, a xerocopy of which is hereto attached as Exhibit "1".

The said "ORDER" delivered by mail on April 13, 1970, allowed only seven days, with only four working days, to file Objections before the Board of Managers, although

their own rule allows a minimum of 15 days. (Vol. Five of Record, Order signed by Dean A. Esling, dated April 3, 1970, 2 pages; Vol. Five, Objections to "Report", page 10, par. (n); page 10-A, Exhibit "2").

EXHIBIT "1"

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

AFFIDAVIT

Sherman H. Skolnick, being first duly sworn on oath, deposes and says that if called as a witness in any proceedings, he could testify from personal knowledge as to the following:

1. That he was the plaintiff, pro se, in the case of Sherman H. Skolnick, plaintiff, vs. Albert E. Hallett and Harry G. Fins, No. 64 C 1084, in the United States District Court for the Northern District of Illinois, Eastern Division.

2. That he, and he alone, researched, prepared, typed, and filed the said suit. That he, and he alone, appeared as plaintiff, pro se, in the United States District Court in certain proceedings in said case. Affiant has and had an extensive private law library, of some 6,000 volumes, at his residence.

3. On appeal in said case, he, and he alone, as plaintiff-appellant, pro se, researched, prepared, typed, mimeographed, and filed plaintiff-appellant's Brief, Appendix, Reply Brief, and other papers, in said case entitled Sherman H. Skolnick, plaintiff-appellant, vs. Albert E. Hallett and Harry G. Fins, defendants-appellees, No. 14779, in the United States Court of Appeals, 7th Circuit.

4. Affiant, and affiant alone, presented the plaintiff-appellant's oral argument in said appeal No. 14779.

5. That he, and he alone, as petitioner, pro se, petitioned the Supreme Court of the United States for certiorari in said case.

/s/ *Sherman H, Skolnick*
Sherman H. Skolnick
9800 South Oglesby Avenue
Chicago, Illinois 60617

Subscribed and sworn to before me
this 6th day of February, C.E. 1970.
/s/ *S. C. Bnonjaczyk*
Notary Public

(s) *On April 28, 1970,* a paper labeled "ORDER" signed by Frank Greenberg alone, was delivered by mail to petitioner, dated April 23, 1970, denying respondent's timely Motion for extension of time to file Objections, and denying his timely request for oral argument, and ordering that the "Report" as amended and approved be filed in the Supreme Court of Illinois, on May 4, 1970. (Vol. Five of Record, Order signed by Frank Greenberg, dated April 23, 1970, 2 pages; Motion of petitioner filed April 16, 1970, 1 page.)

Frank Greenberg and Dean A. Esling, refused respondent's request to state the names of members of Committee on Grievances and Board of Managers, who participated and approved the making, issuance and circulation of the paper labeled "ORDER". (Petitioner's verified Suggestions in support of Motion to Dismiss Proceedings, page 13, 3rd paragraph.)

Frank Greenberg informed the petitioner that the "quorum" of Commissioners "sat in judgment." He refused to furnish a copy of the By-laws or rules to petitioner, de-

fining what constitutes a "quorum". (Petitioner's verified Suggestions in support of Motion to Dismiss Proceedings, page 13, 4th paragraph.)

(t) *On June 10, 1970,* the petitioner discovered that a copy of "Report of Committee on Grievances as Commissioners", was caused to be circulated and placed for public view in the public wash room of an office building at 134 North La Salle Street, Chicago, Illinois, where many lawyers, including Asher, Asher & Asher, maintain offices. The first page of such "Report" contained the following caption:

"No.

"IN THE

"SUPREME COURT OF ILLINOIS"

"IN THE MATTER OF:	)
	)
"PETER S. SARELAS	) "Commissioners No. 1369"
	)
"AN ATTORNEY"	)

(Petitioner's verified Suggestions in support of Motion to Dismiss Proceedings, page 13, par. (t), continued on page 14).

Examples of the illegal and unethical practices of such assemblage of persons, tending to bring the Courts and the legal profession into disrepute, are described and documented in petitioner's papers, hereinbelow referred to and incorporated here by reference.

References: Motion to Dismiss the proceedings, pp. 14-15, par. 8(a); pp. 15-16, par. 8(b); p. 16, pars. 8(c), (d); pp. 16-17, par. 8(e); pp. 17-19, par. 8(f), (g); pp. 19-20,

par. 9; p. 33, first 4 pars.; Vol. II of Record, pp. 219-220, and Exhibits 1, 2, pp. 221-222; Vol. Five, Objections to "Report", pp. 5-10, Part I-C, pars. (a) through (n); p. 12, 3rd par., continued on page 13, first 5 pars.; p. 15, first 5 pars.; p. 51, last 2 pars., continued on p. 52, first 3 pars.; Exceptions and Objections, filed May 14, 1970, p. 6, last 4 pars.; p. 7, first 10 pars.

Examples of Discriminatory and Unequal Application of Section 751(a) of Chapter 110A, Illinois Revised Statutes, 1967-1969, formerly Section 101-59 of Chapter 110.

1. In *Tranowski* v. *Chicago Bar Association*, 309 F.2d 421 (7 Cir. 1962), the attorney received thousands of dollars from his client (Tranowski) to defend him in a criminal case. The attorney did not appear to defend the client. The following statement of the United States Court of Appeals confirms the discriminatory and unequal application of Section 751(a), then Section 101-59:

> "The Board or Committee has no duty to recommend disciplinary action in every inquiry, and none to report its action in every inquiry to the Supreme Court. It follows that the *only* pertinent duty the Association had was to permit plaintiff to complain." 309 F.2d at 422. (Emphasis added).

2. In the instant matter, the persons empowered by the Chicago Bar Association, a private corporation, as commissioners, also violate the publicly declared policy, of the Chicago Bar Association, that the "Committee" does not "review Court decisions"; that the "Committee" does not "intervene in favor of either party to a law suit"; that "The Committee has no power to review court decisions or to review or alter a ruling or decree of court"; that "The Committee is not a court". (Vol. III of Record,

p. 228, last par., continued on p. 229; p. 373, beginning with 4th par., continued on p. 374; Vol. Five, Objections to "Report", page 11, first paragraph).

The Chicago Bar Association in a letter dated April 26, 1938, to Jim Gaparas, 658 East 47th Street, Chicago, Illinois, who had complained against his attorney who embezzled his money, stated:

> "The Bar Association Committees do not act as courts of review."

Gaparas' complaint to the Chicago Bar Association was dismissed without a hearing.

In another letter to Jim Gaparas, dated May 2, 1938, the Chicago Bar Association, stated:

> " * * * It is a matter of privilege, rather than right, that you appear before our Committee."

(Vol. III of Record, p. 229, 2nd and 3rd pars.; p. 373, last par., continued on p. 374; Vol. Five, Objections to "Report", p. 11, 3rd and 4th paragraphs).

3. *In re Michael A. Serritella*, Attorney, Respondent, he was charged among other offenses, that he "was aiding and abetting the defrauding of the County of Cook by cashing payroll checks issued to a fictitious person." The commissioners recommended censure. The Illinois Supreme Court decided: "The recommendation of the commissioners is denied and the rule discharged." 5 Ill.2d 392, 393, 399.

On page 398 the Supreme Court quoted from *In re Mitgang*, 385 Ill. 311, 324:

> " 'In order to warrant disbarment or suspension, the record must be free from doubt not only as to the act charged but also as to the motive with which it is done. (Citations.) A lawyer will not be subjected to discipline merely upon suspicious circumstances'."

Gerrard A. Serritella, brother of Michael A. Serritella, was an intermeddler obstructing justice in petitioner's litigation, holding himself out as being able to influence the outcome of cases without judicial inquiry, in favor of the defendants in petitioner's litigation. (Vol Five, Objections to "Report", p. 27, 2nd par.; p. 40, 1st par.; Vol. I of Record, p. 62, 6th par.)

—No disbarment proceedings were instituted against Gerrard A. Serritella.

4. *Judge Raymond K. Berg,* supervising Judge of the Traffic Court, on November 11, 1970, at about 10:30 P.M., interviewed on Channel 26 WCIU-TV, declared publicly that he had reported to the Chicago Bar Association the illegal and unethical practice of attorneys who solicit traffic court cases in and outside the courtrooms, and that the Chicago Bar Association ignored the report. (Verified Suggestions in support of Motion to Dismiss the proceedings, p. 23, 5th paragraph.)

5. The commissioners also shielded and protected *John C. Gekas,* an attorney, who presented and filed his own petition in the Probate Court of Cook County, Illinois, without Notice and without a hearing and had his client Peter Skontos, declared incompetent, in order to destroy the client who was demanding his money, which was withheld and misappropriated by Gekas, his attorney.

The Appendix attached to the Objections of "Report", in Volume Five of Record, pages 1-4, specifies the multiple ordeals inflicted against the client by attorney Gekas and his collaborators, hastening the client's death.

6. John C. Gekas, shielded and protected by the "commissioners", advertised repeatedly his legal services, soliciting for himself legal business, in two different Chicago publications. (Vol. I of Record, page 61 (misnumbered 62), 6th par).

7. The commissioners shielded and protected *John C. Gekas, Spiros D. Soter,* ring leaders and their collaborators, who combined to commit assault, riot and defamation against petitioner, while he was presiding as president of the Hellenic Professional Society of Illinois, asserting the right of the Society to function as a lawful and patriotic Society, without the infiltration of known subversives and communists who sought to use the name of the Society as a front and shield for the "Greek-American Council, Chicago Chapter", incorporated May 2, 1945, in Illinois, which was and is classified and described as subversive and a communist front in the House of Representatives Document No. 225, page 42, and in Document No. 398, page 50, both entitled "Guide to Subversive Organizations and Publications." (Vol. Five of Record, Objections to "Report" p. 26, 2nd par.; Vol. I of Record, p. 59, 2nd par.).

8. *John C. Gekas and Phillip S. Makin, alias Marinakos,* shielded and protected by the "commissioners", used one Basil Christoforacos, with two alias names, and an illiterate in English, to sign false affidavits with a court caption, and after filing them in the courts, Gekas and Makin asserted "privilege", for Christoforacos and themselves.

Christoforacos had entered the United States illegally, via Argentina, in 1947. He boasted of his criminal exploits in Greece as a communist, and threatened:

> "There will be another round by the communists in Greece with blood flowing so that a calf could swim."

Petitioner was threatened and threats were conveyed to him, including the following:

> "I will cut you to pieces when I see you."
>
> "Tell him to get out of town or I will kill him."

"You are going to die, you are going to die, you are going to die, you understand that? You are going to die."

"I cut your throat when I see you."

(Vol. Five of Record, Objections to "Report", p. 28, par. 4, continued on p. 29; Vol. I of Record, p. 67, 2nd, 3rd and 4th pars.).

9. *Phillip S. Makin, alias Marinakos*, shielded and protected by the commissioners, was a former member of the Board of Managers of the "Chicago Bar Association", and a known activist of the Progressive Party. The Committee on Un-American Activities, Annual Report for 1956, House Report 53, February 11, 1957, p. 34, stated:

> "The Progressive Party, including its California Branch, certainly ranks as one of the largest and most successful fronts ever created by the Communists."
>
> "Communist dissimulation extends into the field of political parties forming political front organizations such as the Progressive Party. * * * The Communists are thus enabled to present their candidates for elective office under other than a straight Communist label." (Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.)

See: Guide to Subversive Organizations and Publications, 87th Congress, 2nd Session, House Document No. 398, page 141.

10. The commissioners shielded and protected John C. Gekas, and George W. Alexander, who more than 27 months after the termination of discovery depositions in petitioner's Case No. 58 C 17505, in Circuit Court of Cook County, Illinois against John C. Gekas, George W. Alexander and

others, and more than a year after the disposition of the case, procured a paper from the deposition officer, containing false statements, including the false statement that he was acting as a Master and Referee, knowing that such deposition officer was entirely without authority and entirely without jurisdiction.

More than six months after such false and fraudulent paper was used by Gekas and Alexander, to obstruct justice and to procure false and fraudulent judgments, the falsity of such paper was admitted in a Federal Court action, Case No. 62 C 530, wherein the deposition officer Thomas J. Sheehan was sued for damages. In his affidavit he stated, "that that statement was made in error and that it was a mistake * * * ."

Exhibit "4" on page 84 of Volume I of the Record is a certified xerocopy of a gratuity or bribe check for $600.00, received from John C. Gekas and George W. Alexander, and accepted and cashed by the deposition officer, Thomas J. Sheehan, on the same day.

In the Federal Court Case No. 62 C 530, Sheehan was represented by John C. Gekas, who prepared and filed for Sheehan an affidavit on January 9, 1963, wherein the following statement was made, admitting the falsifications and deceptions (par. 4):

> "The plaintiff wants your Honor to believe that we would again repeat the monstrous stupidity to this Honorable Court and deceive it to enter an order against the plaintiff * * * ."

Petitioner's Complaints with highly specific fact allegations are found in Vol. III of Record, pp. 262-276, and Vol. II of Record, pp. 123-129.

(Vol. I of Record, p. 60, beginning with 4th par., and continued on p. 62, Exh. "4", p. 84; Vol. III of Record, p. 232, last par., continued on p. 233; Vol. Five of Record, Objections to "Report", pp. 27, 27A, 28):

11. The commissioners shield and protect *Manuel J. Robbins*, attorney for First Mutual Savings Association, now defunct, who aided the aforementioned John C. Gekas and George W. Alexander, to extract by deception $1,581.04, that was embezzled from respondent's Investment Account with the First Mutual Savings Association.

Manuel J. Robbins was indicted for violation of Section 371, Title 18, United States Code (using the mails to sell unregistered securities; and using the mails in a scheme to defraud), 15 Counts, as described in Case No. 66 CR 477, United States District Court, Northern District of Illinois, Eastern Division, filed July 22, 1966. He was tried on March 27, 1970, when he pleaded guilty to Count 14, convicted and fined $1,000.00. (Vol. III of Record, p. 233, last par.; Vol. Five of Record, Objections of "Report", p. 33, 2nd par.; Verified Suggestions in support of Motion to Dismiss proceedings, p. 30, beginning with 4th par., and continued on p. 31).

12. The commissioners also shield and protect Harry G. Fins and Oscar M. Nudelman. Harry G. Fins, sought to extort money from petitioner, threatening that his litigation would be lost, unless petitioner purchased justice through Fins. Harry G. Fins demanded: "Supply and Demand; Supply and Demand; Supply and Demand." (Vol. Five of Record, Objections to "Report", p. 29, last 2 pars., continued on p. 30, first line; Vol. I of Record, p. 59, last 2 pars., continued on p. 60, first 2 lines)

Because the petitioner refused to purchase justice through Harry G. Fins, he and his collaborator Oscar M. Nudelman, circulated and published repeatedly, inside and outside the courthouses, papers containing false descriptions of petitioner's private litigation, calculated to be used as instruments of wrong-doing and to obstruct justice.

The statements of Oscar M. Nudelman, quoted in the Affidavits, Exhibits "1" and "2", pages 69-74, 75-82 of Volume I of Record, reveal the extent and depth of their intentional and malevolent offenses. (Vol. Five, Objections to "Report", page 30, first 2 pars.; Vol. I of Record, p. 60, first 2 paragraphs.)

13. The commissioners shield and protect *William H. Alexander*, who made and filed a false and perjurious affidavit, known to be false and perjurious, and proven to be false and perjurious by the certified xerocopies of the records of the Clerk of the Circuit Court of Cook County, Illinois. He asserted "privilege". (Vol. Five of Record, Objections to "Report", p. 45; Vol. III of Record, p. 374, last 2 pars., continued on p. 375, first 5 paragraphs.)

14. The commissioners also shield and protect *Anthony M. Anzalone, Hollis L. Green and Cecil A. Partee.* They were total strangers, unknown and unheard of by John W. Porter, a bed-ridden invalid, 76 years old, with an amputated leg, when on February 18, 1967, they seized and kept his property and assets, without authority. *John W. Porter* and his spouse were joint owners.

On February 22, 1967, John W. Porter's home was invaded again. Anzalone was accompanied by a nurse who had been discharged for refusing to make restitution of the moneys and property extracted from John W. Porter,

with forged and falsified bills, represented to be for medical supplies. Anzalone was also accompanied by the husband of the discharged nurse, a gunman who was boasting of his shooting propensities. Anzalone ordered John W. Porter's trusted and competent nurse to "get out".

After many ordeals inflicted against John W. Porter, he died on April 15, 1967, within less than two months from February 18, 1967, when his home was first invaded and his property and assets were seized and kept by Anzalone, Green, and Partee, operating as a team. On April 17, 1967, John W. Porter's body was cremated, thereby preventing an autopsy. The excuse circulated for the cremation was that John W. Porter was a Mason, and Masons are cremated.

No account was ever made by Anzalone, Green and Partee, for the property and assets of John W. Porter, which was seized and kept since February 18, 1967.

No disbarment proceedings were instituted by the commissioners.

(Vol. Five of Record, Objections to "Report", p. 375, last 2 pars.; p. 376, p. 377 first 4 pars.).

The Opinion (App. "A", 1-13), is not a judicial determination. It offends the public interest in the State and Federal constitutional guarantees of Due Process and Equal Protection of the Laws.

The petitioner suggests to this Honorable Court, that the inaccurate and incorrect recitals in the Opinion make the petitioner's complaints unrecognizable. It is admitted in the Opinion (App. "A", p. 9, 2nd par.), that the recitals referred to as "illustrations" are from the "findings" of the Committee on Grievances, "notwithstanding the re-

spondent's objections to these findings." It is also admitted that there was no evidence, and that the evidence consisted of the various complaints filed by petitioner, "and the adjudicative dispositions of them." (App. "A", p. 1, 2nd par.). It was admitted during the first session on October 6, 1966, that they had no witnesses (Vol. I, transcript of proceedings, p. 41). It was stated during the second session, November 10, 1966, that the unseen and unheard of complainant rests. (Vol. I, transcript of proceedings, p. 20, line 2); And on February 1, 1968, the third session which was ex parte, Lester Asher, presiding, stated "The case is therefore, closed." (Vol. II, transcript of proceedings, p. 159); And on page 1, of Vol. I of Record, it is stated, "February 1, 1968, Proofs closed"; On April 2, 1970, it was admitted that there was no evidence, that the "evidence" consisted of "all of the complaints and actions that were filed" by petitioner "over the years". (Suppl. Record, transcript of proceedings of April 2, 1970, p. 32).

Therefore, the recitals about interruption by petitioner, are patently unfounded. Petitioner was not given the basic right to answer the statements of the prosecutor, John W. Schelthoff. The chairman, Morris J. Wexler, commanded: "You have no right unless the Commissioners say you have a right." (Vol. III, transcript of proceedings of May 8, 1969, p. 28, lines 6-7).

If the complaints are the evidence, then it is illegal to alter, distort and omit the highly specific fact allegations therein, which were never denied and stand admitted.

The recitals in the Opinion are not supported by legally competent evidence (*People ex rel. Chicago Bar Association* v. *Amos*, 246 Ill. 299, 303, 92 N.E. 857, 859; *In re Jerome*, 31 Ill.2d 284, 287, 201 N.E.2d 440, 441-443). They

are based on hearsay, innuendoes and unfounded, unproven conclusions, indicating that the commissioners were activists as intermeddlers and in obstructing justice.

> "Unless he (respondent) should be entitled to the protection of the established rules of law in the admission of evidence by which he is to be condemned or discharged, the trial would cease to be judicial and would become merely an inquiry for the purpose of determining the personal action of the judges. *If rules of evidence should be observed or not, according to the will of the court, then the action of the court would be arbitrary and not judicial.*" 246 Ill. 299, at 303, 92 N.E. 857, at 859. (Emphasis added).

The recital in the Opinion (App. "A", p. 11, 2nd par.), that the petitioner testified under Section 60 of the Civil Practice Act, is patently unfounded. The Record shows that petitioner was not sworn as a witness, and did not testify under Section 60. The Attorney has no duty to prove charges against him. (*In re Jerome*, 31 Ill. 2d 284, 201 N.E. 2d 440, 443).

The recital that petitioner contends that Supreme Court Rule No. 751 (Ill. Rev. Stat. 1969, ch. 110A, par. 751) is unconstitutional (App. "A", p. 9, 3rd par.), without mentioning petitioner's specific reference to 751(a), is also inaccurate.

Petitioner filed papers objecting to the invasion and violation of his Federal constitutionally protected rights, privileges, and immunities, and to the violation of the mandatory requirements of Section 751(b) of Chapter 110A, Illinois Revised Statutes, 1967-1969, and petitioner objected and challenged the pretended jurisdiction and authority of the commissioners to proceed, and demanded that they cease and desist. (Vol. I of Record, p. 28; pp. 51-53; pp.

57-58; Exh. 1, pp. 69-74; Exh. 2, pp. 75-82; Exh. 3, p. 83; Exh. 4, p. 84; Vol. II of Record, pp. 218-220; Exhibits 1 and 2, pp. 221-222; 223; Vol. III of Record, pp. 226-235, 236-237; pp. 370-382; Vol. Five of Record, Addendum, p. 23).

The purported complaint against petitioner, attached to Volume I, pages 1-7 of the Record, is not signed by any one.

A xerocopy of a purported original signed complaint, shows only simulated signatures as follows: "Walter H. Moses /s/", and "Paul B. Youle /s/".

Such fictitious paper was excluded from the "Report". Petitioner requested that it be included in the Addendum to the Record in Volume Five, as demonstration of another fraud upon the Court and petitioner. It is found on page 14.

Section 751(b), Chapter 110A, Illinois Revised Statutes, 1967-1969, quoted verbatim on page 6 herein, requires a signature in the proper handwriting of the person or persons authorized and specified therein, and not a simulated signature by another person.

Moreover, Section 1.15, Chapter 131, Illinois Revised Statutes, 1967-1969, states that " * * * when the written signature of any person is required by law to any official or public writing or bond, required by law, *it shall be* in the proper handwriting of such person, * * * ." (Emphasis added).

It is clear therefore, that the recital in the Opinion (App. "A", p. 10, 2nd par.), that "The complaint was signed by Walter H. Moses and Paul H. Youle", is incorrect, not supported by the Record, and in contravention of Section 751(b).

Section 751(b) specifies who is authorized to sign a complaint. It does not include an attorney for the Committee to sign either a complaint or an amendment. The Opinion discriminatorily alters Section 751(b).

The cases cited in the Opinion (App. "A", pp. 10-11), have no relevance to the mandatory requirements of Section 751(b).

Bowman v. *County of Lake*, 29 Ill. 2d 269, at 272, cited in the Opinion (App. "A", p. 11, 1st par.) states:

> "Where an amendment is complete in itself *and does not refer to or adopt the prior pleading*, the earlier pleading ceases to be a part of the record for most purposes, being in effect abandoned and withdrawn." (Citations). (Emphasis added).

The amendment in the instant matter does not refer to or adopt the prior pleading. No reference whatever is made to a complaint, and could not, since there was no signed complaint. (Vol. I of Record, pp. 44-49).

Such amendment, not signed by a person authorized to sign by Section 751(b), was received and filed instanter by Lester Asher, presiding, without Notice to petitioner and without service of copy. Petitioner's request to examine it before filing was denied. The presiding person ordered an answer to such amendment in 7 days, although the Committee rules require a minimum of 15 days with timely Notice and service of copy before filing. (Vol. I, transcript of proceedings of October 6, 1966, pp. 9-10; p. 13, last par.; pp. 13-14; p. 24, last par.; (Vol. Five, Addendum, p. 23; Vol. I, p. 51, 54, par. 1, p. 62, p. 63, par. 2; Vol. III, p. 380, 2nd, 3rd, 4th and 5th pars.).

In re Roth, 398 Ill. 131 at 135-136, 75 N.E.2d 278, the Court refers to the Commissioners and states:

"As such, they have been sworn to support the Constitution of the United Sttaes and of the State of Illinois, and to aid the administration of justice."

The behavior pattern of the commissioners and their attorney, John W. Schelthoff, in the instant matter, violates the Constitutional guarantees of Due Process, and equal Protection of the Laws, and obstructs the administration of justice.

Therefore, the recital in the Opinion (App. "A", p. 10, 1st par.), that petitioner's "contention that the acts of the commissioners and their conduct of this proceeding were unlawful and unconstitutional is without merit", is erroneous and a conclusion, not supported by the record. Such recital nullifies the Constitutional guarantees and negates government.

The recitals in the Opinion (App. "A", p. 12, 2nd par.), are erroneous and incorrect, consisting of conclusions which reveal bias and hostility. The case of *People* v. *Metzen*, 391 Ill. 55, cited in the Opinion, same paragraph, has no relation whatever with the instant matter. A reading of the cited case, pages 57-58, reveals that the respondent therein publicized in a newspaper about a law suit. No declaration was ever filed. The alleged plaintiff denied that she ever authorized the filing of a suit or that she had any knowledge of or connection with it. The respondent in that case not only wrote and mailed an intimidating letter to the Judge to influence him in the discharge of judicial functions, and brought an unauthorized suit, but also caused write-ups in the Sunday papers.

In re McCallum, 391 Ill. 400 at 418, decided on March 21, 1945, it is stated:

"This court, taking cognizance of numerous unethical practices of lawyers in large cities and know-

ing the high ethical standards required to become a member of the Chicago Bar Association, delegated to this organization the power to appoint committees of inquiry and to take testimony and report evidence of misconduct upon the part of the lawyers, and to make recommendations to this court whether, in such case, to discipline or discharge the respondent."

On January 12, 1970, Frank Greenberg, then president of the Chicago Bar Association, testifying before a special Illinois House Committee investigating ambulance chasing, said that membership applications were not checked beyond proving that the applicant is a lawyer. Frank Greenberg criticized the Illinois Supreme Court, stating that its treatment of ambulance chasers in the past was "somewhat more tender" than he would like it to be. (Chicago Tribune, January 13, 1970, page 10, Section 1, columns 4-5.)

The Chicago Sun-Times, of December 22, 1970, on page 18, reported that the Law Practice Study Committee of the Illinois House of Representatives is particularly critical of the Chicago Bar Assn. The Report said that "The lack of any action by the "CBA" in advocating reforms "is particularly reprehensible". James A. Velde, CBA president had no comment.

Chicago Today of January 13, 1970, on page 36, reported that State Representative Bernard E. Epton, at a public hearing into ambulance chasing on January 12, 1970, charged that the bar associations were "self-serving and deserved to be indicted." Epton's charges came after Frank Greenberg, president of the Chicago Bar Association, and Henry L. Pitts, president of the state bar, said they did not believe attorneys under suspicion of ambulance chasing should be denied membership in the professional associations.

Epton said the number of ambulance chasing cases known by the bar associations is far below the number actually referred to the state Supreme Court for action against lawyers.

This fosters a situation, Epton said, which could enable certain unethical attorneys to be known ambulance chasers and still hold seats on association committees investigating ethics of other lawyers.

The Chicago Daily News of December 21, 1970, on page 3, reported that State Representative Edward A. Copeland, Chairman of the Law Practice Committee of the Illinois House, said that "The Chicago Bar, particularly, has demonstrated a great exercise in futility"; that an investigation by his committee indicated that the bar "has taken absolutely no action" to determine whether 50 lawyers named by Circuit Court Chief Judge John S. Boyle were involved in ambulance-chasing.

The Chicago Sun-Times of August 9, 1969, on page 12, reported that State Representative Bernard Epton called for a legislative investigation of the Chicago Bar Ass'n and censure of its president, Frank Greenberg, for remarks Greenberg made Thursday on court reform.

Epton's remarks were triggered by Greenberg's charge that there are a great many "political hacks" on the bench.

Epton says he now believes the inquiry should consider whether the association's state charter should be revoked on the ground that the CBA is a valueless organization with a mischievous record.

The Chicago Daily News of August 8, 1969, on page 7, reported what Frank Greenberg, president of the Chicago Bar Association, had said the day before: "A great many

political hacks (become judges) who have no better qualifications for judicial office than the Brownie points they have accumulated in serving their political parties from precinct captain on up."

Epton said: "The Chicago Bar's hands are not clean. Don't forget, Allen Blair served as chairman of its ethics committee."

The recitals of the Opinion (App. "A", p. 12, 2nd par.), are incorrect, and inaccurate. Respondent's Briefs set forth documented examples of illegal and unethical practices by officials or functionaries of the Chicago Bar Association; examples of discriminatory and unequal application of Section 751(b), of Chapter 110A, Illinois Revised Statutes, 1967-1969; examples of publicized illegal and unethical activities of functionaries of Chicago Bar Association; Examples of statements published and circulated by officials or functionaries of Chicago and Illinois Bar Associations, relating to and against the judiciary and courts, and publications in their official organs.

These examples are not accusations by petitioner. They are the publicized and known misdeeds which have not been and cannot be denied.

The Illinois Supreme Court has not heard evidence, and in the Opinion (App. "A", p. 9, 2nd par.), it is stated, "The foregoing illustrations are taken primarily from the findings of the Committee on Grievances as commissioners, notwithstanding the respondent's objections to these findings." There being no evidence, the alleged "findings" are the commissioners' own fabrications.

The Commissioners' papers in the Record filed by them number 669 pages, and the petitioner's papers number 181 pages.

Therefore, the recitals in said paragraph of the Opinion about the volume of petitioner's papers in the Record are also inaccurate.

The purported "findings" of the commissioners differ from the highly specific fact allegations in petitioner's complaints used by the commissioners as Exhibits. It would take many pages to document the commissioners' distortions and falsifications of said complaints.

On page 8, 2nd paragraph of the Opinion (App. "A"), reference is made to a "per curiam" opinion in the case mentioned in said paragraph. There was only a one-page order affirming the dismissal of a complaint. No opinion was rendered. The words "per curiam" do not appear in the order. The designation of Melvin Trunk as plaintiff is also inaccurate. He was a defendant.

The defendant Melvin Trunk was, at the time of the occurrance a State agent.

> "Private persons, jointly engaged with state officials in the prohibited action, are acting 'under color' of law for purposes of the statute. To act 'under color' of law does not require that the accused be an officer of the State. It is enough that he is a wilful participant in joint activity with the State or its agents." United States v. Price, 383 U.S. 787, 794, 16 L. Ed. 2d 267, 272 (Citing authorities at footnote 7).

The participants assembled in a room measuring 8 by 12 feet approximately, with the door closed. The assemblage was presided by a person 82 years old and almost stone deaf. An unidentified woman was sitting about four feet, face with face with the presiding person communicating with him by means of facial grimaces and movements. He exclaimed: I am going to dismiss this whole

business and fix some fee arbitrarily without a hearing. (Vol. Five, Objections to "Report", p. 42, last 3 pars., continued on p. 43).

The "illustration" in the Opinion, on page 4, 4th paragraph, continuous to page 6, omits the highly specific fact allegations in the complaint of intentional wrongs, *not* within the judicial role. The Federal District Court stroke all reference to defendant's "judicial position" in the caption and in the body of defendant's motion to dismiss, asserting immunity, which admitted the intentional wrongs committed by defendant Lupe, the willfulness and maliciousness. The defendant was sued as an individual.

> "Whether the act done by him was judicial or not is to be determined by its character and not by the character of the agent." Ex Parte Virginia, 100 U.S. 339, 348, 25 L.Ed. 676, 680.

Among other intentional wrongs specified in the complaint (Vol. II of Record, pp. 107-121), defendant Lupe allowed, permitted and condoned proceedings to be dominated by a mob en masse. One of the ring leaders was Gerrard A. Serritella, not an attorney of record, who was holding himself out as able to influence the outcome of the case without judicial inquiry. On one occasion, the mob en masse gathered by John C. Gekas, Serritella and their collaborators, filled the large court room in the County Building, Chicago, Illinois. On another occasion, a mob en masse was brought into the court room, led by Gekas and Serritella. Defendant Lupe actively encouraged, permitted and condoned the said Gekas and Serritella to commence an ordeal uttering foul, vile, abusive and obscene words and terms against the petitioner. The ordeal lasted all day for five hours.

Defendant Lupe was ignoring petitioner's objections to such debasement of the Judicial Process. He refused to grant petitioner the right to be heard. (Vol. Five, Objections to "Report" p. 38, last par., pp. 39, 39A, 40).

> "Proceedings under the domination of a mob are void." Downer v. Dunaway, 53 F.2d 586, 590.

As the Supreme Court of the United States said about judicial proceedings:

> "There can be no doubt that they embrace the fundamental conception of a fair trial, and that they exclude influence or domination *by either a hostile or friendly mob.* There is no room at any stage of judicial proceedings for such intervention; *mob law is the very antithesis of due process.*" *Cox v. Louisiana*, 13 L.Ed. 2d 487, 491. (Emphasis added).

> "Excuse for misconduct may not be found in the fact that the wrongdoer is a judge." In Re Chicago, R. I. & P. Ry. Co., 162 F.2d 606, 611 (7 Cir., 1947).

On page 8, last paragraph of the Opinion, continued on page 9 (App. "A"), reference is made to a dismissal of the complaint. The dismissal was "without prejudice". (Vol. Five, Objections to "Report", p. 46, par. 17). The defendants had asserted "immunity".

In re Roth, 398 Ill. 131, at 135-136, the Illinois Supreme Court held that the "commissioners are not acting as State officers or performing a judicial function", and that "The provisions for oath to be taken by State officers has no application to them."

Notwithstanding the ruling of the Illinois Supreme Court, and the non-delegable judicial functions to a private corporation, Chicago Bar Association, to in its turn, delegate such non-delegable judicial functions, to persons as commissioners, they nevertheless proceeded in the instant

matter to exercise non-delegable judicial functions with the pre-determination to harass, oppress and destroy the petitioner, and such persons imposed upon the Court their fictitious, unfounded and unproven "findings".

On page 9, of the Opinion, 2nd paragraph (App. "A"), it is stated that, "The foregoing illustrations are taken primarily from the findings of the Committee on Grievances as commissioners, notwithstanding the respondent's objections to these findings."

Such action by the Illinois Supreme Court ignores and contravenes the established rule of law that, "this court acts only after an examination of the evidence in the case, except where no answer is made by respondent and in these cases the charges and supporting evidence are examined before action is taken by this court."

The Opinion (App. "A", p. 1, 2nd par.), states that "A recitation *in haec verba* of portions of the allegations of certain of the complaints filed by the respondent, . . . furnishes an exegesis of the basis of the charges." This statement indicates that the Opinion is discriminatory and arbitrary, in violation of the Constitutional guarantees of Due and Orderly Process and the Equal Protection of the Laws. Therefore, it is not a judicial determination.

> "For a State may not, under the guise of prohibiting professional misconduct, ignore constitutional rights." *National Ass'n for Advance. of Colored People* v. *Button*, 83 S.Ct. 328, at 341 (Citing authorities), 371 U.S. 415.

The Complaint in the cited case on page 2 of the Opinion, 1st paragraph (App. "A"), concerns John C. Gekas, a ring leader and his collaborators who combined to commit assault, riot and defamation, against petitioner while he was

presiding as president of the Hellenic Professional Society of Illinois, asserting the right of the Society to function as a lawful and patriotic legal entity, without the infiltration of known subversives and communists who sought to use the name of the Society as a front for the "Greek-American Council, Chicago Chapter", incorporated May 2, 1945, in Illinois, and which was and is classified and described as subversive and a communist front, in the House of Representatives Document No. 226, page 42, and in Document No. 398, page 80, both entitled "Guide To Subversive Organizations and Publications." (Vol. I of Record, p. 59; Vol. III of Record, p. 317, par. 4; p. 323, par. 6).

Gekas, a ring leader during the assault, riot and defamation occurrance described in said Complaint, on November 13, 1962, during the oral argument before the United States Court of Appeals Seventh Circuit, in the case of *Sarelas* v. *Rocanas*, No. 13766, admitted the assault and battery on the petitioner. (311 F.2d 36, footnote 1, (7 Cir., December 21, 1962).

The quoted excerpt from the Opinion in *Sarelas* v. *Gekas*, 42 Ill.App.2d 136 (App. "A", p. 2, 1st par.), does not include the statement that "This opinion is concerned with one of plaintiff's motions, a motion for leave to file a petition for a writ of mandamus against the trial judge for his refusal to sign a report of proceedings." 42 Ill.App. 2d 136, at 138, 191 N.E.2d 386. The motion was denied. Therefore, the quoted excerpts included in the instant Opinion, consisting of conclusions, was gratuitous and unnecessary to the decision denying the motion, which concerned the mandatory duty of the trial court Judge, John E. Pavlik, to sign "*a*" (any) report of proceedings. On page

139 of said Opinion "a report of proceedings", was changed to "the particular report of proceedings", indicating that the petitioner wanted "the particular report of proceedings" to be signed.

Under law, the trial court Judge had the mandatory duty and power, if any evidence was left out, to order it produced and included regardless of the wishes of either party. *Tansor* v. *Checker Taxi Company*, 27 Ill. 2d 250, 188 N.E.2d 659, and cited authorities. The trial court Judge and the Appellate Court refused the offer, to include the evidence, if any, left out.

The appeal involved a patently void judgment, made by Judge John E. Pavlik, on the motion of defendants Gekas, et al., filed more than a year after the assault, riot and defamation case, hereinbefore described, was dismissed without a trial on the merits, on the assertion by defendants of "privilege". In their motion they demanded payment of expenses for their taking the discovery deposition of petitioner, at their request and expense, under the Illinois Supreme Court Rule 19-6 (Ch. 110, Sec. 101.19-6, Ill. Rev. Stat. 1959-1963). They also demanded to recover the bribe of $600.00 paid to deposition officer Thomas J. Sheehan, as hereinbefore described, not authorized by law. Judge Pavlik did not permit cross-examination, and allowed as evidence purported bills, unreceipted, without any proof.

Such bills were included in a report of proceedings, together with Judge Pavlik's rulings repeatedly refusing to permit cross-examination.

Thereafter, the same Appellate Court Judges who denied the motion for leave to file petition for writ of mandamus,

dismissed the appeal. They knew that they could not affirm the patently void and illegal judgment made by Judge Pavlik, without jurisdiction and without authority.

The conglomerate of characterizations contained in the quoted excerpt (App. "A", p. 2, 1st par.), applies to the papers of petitioner's opponents. (Vol. Five, Objections to "Report", p. 26, 2nd and 3rd pars.; p. 31, last 2 pars., continued on p. 32; p. 32, continued on p. 33).

The Opinion on page 2, 2nd paragraph, continued on page 3 (App. "A"), contains a conglomerate of words, omitting the highly specific fact allegations in petitioner's Complaint (Vol. III of Record, pp. 240-246).

It is well established that answers to interrogatories are not pleadings and are not privileged. *Sinclair Refining Co.* v. *Jenkins Petroleum Process Co.*, 289 U.S. 689, 696, 53 S.Ct. 736, 738; *Maclaskey* v. *McCartney*, 324 Ill. App. 498, 508, 509, and other authorities cited in Objections to "Report", p. 34, 3rd paragraph.

The defendants in the cited case asserted "privilege" in their motion to dismiss, which admitted the falsity of their libelous and defamatory statements, the willfulness and maliciousness.

The Opinion on page 3, 1st paragraph (App. "A"), refers to another case in which the defendants asserted "privilege" in their motion to dismiss, which admitted the fabrication of false evidence more than 18 months after the occurrence in the assault, riot and defamation case hereinbefore described, clearly demonstrating obstruction of justice.

The authorities cited on page 38 of Objections to "Report" condemn the offenses of fabrication of evidence and obstruction of justice.

> "And it is no objection to say that it will occasion multiplicity of actions; for if men will multiply injuries, actions will be multiplied; for every man that is injured ought to have his recompense." *Ashby* v. *White*, 2 Ld. Raym. 930, 935 (Holt, C.J.); *Lawrence* v. *Hagerman*, 56 Ill. 68, 78. (Vol. Five, Objections to "Report", p. 34, par. 9, continued on p. 35).

The recitals in the Opinion (App. "A", p. 3, last par., continued on p. 4), make the cited case unrecognizable. The consul circulated and caused his letter to be circulated and directed "To the Judges of the Superior Court of Cook County, Chicago, Illinois", on 6 different dates from December 7, 1959, to June 22, 1960, and caused such letter to be circulated and filed in the Courthouse of Cook County, Illinois, through John C. Gekas, George W. Alexander and other defendants in the assault, riot and defamation case, hereinbefore described, obstructing justice with his false statements, made without personal knowledge. Moreover he knew that the statements were false, and were made in order to influence the Judges in the discharge of their Judicial duties.

The consul was not acting for a citizen of Greece; he was not issuing any certificate attesting to the status of a national of Greece; he was not acting in official capacity; the subject person, a defendant, was a citizen of the United States; the court action arose entirely in the United States.

The action against the consul was not against the sovereign. He was sued as an individual. Jurisdiction is given by Section 1351, Title 28, U.S.C.A.

A consul is clothed "only with authority for commercial purposes." *Buxhoeveden* v. *Estonian State Bank*, 41 N.Y. Suppl. 2d 752, 756; *Rocca* v. *Thompson*, 223 U.S. 317, 328; *Sao Vicente*, 260 U.S. 151, 155; The consul was granted diplomatic immunity.

Consuls do not have the rank of diplomatic agents, because they do not represent the State in its international political relations. (Translation). (Nouveau Droit International Publique by Fiore, 2nd Edition, 595, Section 1181). (Vol. Five, Objections to "Report", p. 35, par. 10, continued on p. 36).

The cases mentioned in the Opinion (App. "A", p. 4, 2nd par.; p. 7, 4th par.), Thomas J. Sheehan, the defendant was a deposition officer, by order of Court in the assault, riot and defamation case, hereinbefore described, and not a master in chancery, as recited in the Opinion.

The Complaints with highly specific fact allegations, are found in Volume III of Record, pages 262-277, and in Volume II of Record, pages 123-130, attaching as Exhibit the bribe check of $600.00, received and cashed by Sheehan on the same day. (Vol. Five, Objections to "Report", p. 27-A, Exhibit "6". Thomas J. Sheehan, never reported to the Court the $600.00, he received and accepted from John C. Gekas and George W. Alexander, defendants in the assault, riot and defamation case described hereinabove; and he never made a return of the deposition to the Court, as ordered by the Court in said case; he never served Notice to petitioner for any return of the discovery deposition; and he never permitted the petitioner, plaintiff in said case, who did not waive signatures, to examine it; and he allowed Gekas and the other defendants in the case to fabricate their own version of the deposititon; described in the Complaint (Vol. III of Record; pp. 262-277); and Sheehan gave them a false and fraudulent certificate to be

used and circulated by the said defendants as an instrument of wrongdoing, with their fabricated version of the discovery deposition. (Vol. Five, Objections to "Report", p. 38, 1st par.).

In the Federal Court case (Vol. II, pp. 123-130), Sheehan filed a patently false affidavit, and after it was proven to be false and perjurious, he then filed, without Notice, another affidavit which was also false, (Vol. Five, Objections to "Report", p. 38, 2nd par.).

In the Federal Court Case No. 62 C 530 (Vol. II of Record, pp. 123-130), Thomas J. Sheehan was represented by John C. Gekas, a ring leader and defendant in the assault, riot and defamation case above described. In Sheehan's affidavit filed January 9, 1963, paragraph 4, Sheehan states:

> "The plaintiff wants your Honor to believe that we would *again repeat* the monstrous stupidity to this Honorable Court and deceive it to enter an order against the plaintiff * * * ."

In the same document, third paragraph, Sheehan states:

> "This defendant, his counsel William O'Keefe, and his co-counsel John C. Gekas, never intended to commit the crime of perjury with the purpose of deceiving this Honorable Court, * * * ." (Vol. Five, Objections to "Report", p. 27, last 3 paragraphs).

On February 8, 1963, Sheehan filed another document stating (par. 4):

> "This defendant admits that the statement contained in his affidavit that ' * * * by agreement of the parties this defendant was appointed as a Master in Chancery or as a referee under Sec. 6 and 51 of Chapter 90 of the Illinois Revised Statutes, 1959,' was made in his affidavit but states that that statement was made in error and that it was a mistake * * * ." (Vol. Five, Objections to "Report", p. 28, 1st par.).

Under law, a Master in Chancery acting as a commissioner in taking depositions is not exercising the power of a master but is acting simply as a commissioner or examiner. *Schmidt* v. *Cooper*, 195 Ill. App. 531, 538, affirmed 274 Ill. 243; Chapter 110, Section 101.19-2(1)(3); Illinois Revised Statutes, 1959-1961. (Vol. Five, Objections to "Report", p. 28, 3rd par.).

Sheehan asserted and was granted "judicial immunity". There is no immunity for bribery and perjury. Sheehan's acceptance of the bribe is made a criminal offense under Chapter 38, Sections 33-3(d), 33-1(d)(e), 33-2, Illinois Revised Statutes, 1961-1969, and was made a criminal offense under Sections 79, 80, 458, Chapter 38, Illinois Revised Statutes, 1959.

References to the Record: Vol. I, pp. 60-61; Vol. II, p. 156, par. 15(a); p. 157, par. (e); p. 160, par. 18(b)(e); Vol. III, p. 232, last par.; p. 233, p. 269, pars. (a)(b), continued on p. 270; pp. 270-275, pars. (c) through (j).

The recitals in the Opinion, page 7, third paragraph, are inaccurate. Petitioner's motion for leave to file petition for writ of mandamus, was combined with the Petition for Writ of Certiorari, filed in the United States Supreme Court, No. 930, October Term 1963, which is self-explanatory.

The Opinion on page 4, 3rd paragraph (App. "A"), refers to a Complaint against Porikos, which is not found in the Record of the instant matter. Therefore, the description in said paragraph is hearsay and its insertion in the Opinion is outside the judicial role, and demonstrates bias and hostility against petitioner.

The fact allegations in the Complaint specifying the defendants' wrongs are admitted by their assertion of "privilege".

"An appellate court considers only such matters as appear in the record. *Clune v. United States*, 159 U.S. 590, 593; *Metropolitan R. Co. v. McFarland*, 195 U.S. 322, 331-332.

"The court is not at liberty to travel out of the record." *Wilson & Co., Inc. v. National Labor Relations Board*, 162 F.2d 310, 314 (8 Cir.).

"While courts take judicial notice of their records in a pending case, they cannot do so in respect to records of other proceedings (Citing authorities), even where the facts are within the personal knowledge of the court." *People* v. *McKinlay*, 367 Ill. 504, 507, 11 N.E. 2d 933.

The recitals in the Opinion, on page 8, 1st and 3rd paragraphs (App. "A"), are also inaccurate.

The defendants were charged with the re-publication, re-circulation and perpetuation of libelous and defamatory matter against petitioner, procured from petitioner's opponent, Peter J. Tatools, after the termination of a jury trial with the verdict in favor of petitioner, plaintiff therein.

The defendants therein, re-published, re-circulated and perpetuated the libelous and defamatory matter against petitioner, under the false and fraudulent label of "Jury Trial Report", and under the guise of "Department To Cover Personal Injury Trials", which "department" was used for accident cases.

The Jury verdict in favor of petitioner, had established that the libelous and defamatory matter, procured from petitioner's opponent after the jury trial, for repetition, was false and malicious. Their solicitation for re-publication, re-circulation and perpetuation in defendants' publication, was not and could not be privileged.

Defendants' solicitation from petitioner's opponent of the libelous and defamatory matter, is admitted in defendants' papers filed in Court.

The defendants were immunized upon their assertion of "privilege".

> "We also note that it is no defense to the publisher of a libel that he is merely reporting the statement of another person. *Lorrilard* v. *Field Enterprises, Inc.*, 65 Ill. App. 2d 65, 73, 213 N.E.2d 1 (1965)." *Windsor Lake, Inc.* v. *WROK*, 94 Ill. App.2d 403, at 410 (1968), 236 N.E.2d 913. (Vol. Five, Objections to "Report", p. 43, par. 15, continued on p. 44).

William H. Alexander, attorney for the defendants in said case, and an officer of the corporate defendant, on June 6, 1969, declared in open Court that he exchanges defamatory statements against petitioner, with other attorneys. (Vol. Five, Objections to "Report", p. 45, 3rd par.); Vol. III of Record, p. 374, lsat 2 pars., continued on p. 375, first 5 pars.).

The motion under (Ill. Rev. Stat. 1967, ch. 110, pars. 41 and 57(5), not only has no relevance, but the falsity, willfulness and maliciousness of such motion and affidavit of William H. Alexander, have been admitted by defendants' assertion of "privilege" in the case mentioned in the Opinion, page 8, 3rd paragraph (App. "A").

The devious technique developed by said defendants is to make false statements in order to extort money and intimidate for having exercised the equal constitutional right of access to courts, to prevent and redress wrongs and to enforce rights, and after the falsity of their motion and misuse of the statute is exposed, then to assert "privilege" and escape.

"The First Amendment does not require that a person who is sued for libel be guaranteed the cost of defending himself." *Smoot* v. *Fox*, 353 F.2d 830, at 833 (6 Cir., 1965).

Additional authority: Fleischman v. *Maier Brewing Co.*, 87 S.Ct. 1404, 1407 (1967), 18 L.Ed.2d 475, 478.

In *Hearst Corporation* v. *Associated Trade Press, Inc.*, 98 Ill. App.2d 160, 240 N.E.2d 386 (1968), the Court held that said Section 41 may be invoked only in cases falling strictly within its terms — allegations in pleadings "made without reasonable cause and not in good faith, and found to be untrue."

The Complaint in the case cited on page 8, 3rd paragraph of the Opinion (App. "A"), alleges that on to wit: August 7, 1967, the defendants therein composed, wrote and published, or caused to be composed, written and published, a certian false, malicious and defamatory libel of and concerning the petitioner, plaintiff therein, *in the form of a falsely and fraudulently simulated court paper*, for the purpose and design of giving it and gaining a wider circulation for such paper, *which said paper was not and is not filed in court, and known to the defendants that it was not and is not filed in court.*

The Complaint alleges and quotes the relevant contents of defendants' libelous paper.

Defendants filed a motion to dismiss asserting "privilege" and an affidavit of William H. Alexander, as an Exhibit, which was unsigned, not dated, not sworn to before a Notary Public. Defendants asserted that such document was presented but not filed until October 5, 1967.

A certified xerocopy of the record of the Clerk of the Circuit Court of Cook County, Illinois, proved that nothing was filed by defendants or their attorneys between May 18, 1967 and October 5, 1967, and disproved the statement of William H. Alexander, that an affidavit was filed on August 15, 1967. The Complaint was filed on September 29, 1967.

The defendants were granted absolute immunity, and the Complaint was dismissed with prejudice. Thereafter the defendants moved to strike the recital in the order of dismissal upon which the trial court Judge had relied in preparing and entering the order of dismissal. (Vol. Five, Objections to "Report", p. 44, par. 16, continued on pp. 44-A, 44-B, 45; Vol. III of Record, pp. 360-362).

The Opinion (p. 7, 2nd par. App. "A"), refers to the Complaint against Themis Anagnost. The tort was committed in the Federal enclave known as the Old Post Office Building on Clark and Adams Streets, Chicago, Illinois. The jurisdiction of the Federal Government under Article I, Section 8, Clause 17; of the Federal Constitution, and the jurisdiction of the United States District Court, under said Article I, Section 8, Clause 17, and under Article III, Section 2, and 28 U.S.C.A. Section 1331, was clear and certain. The District Court Judge dismissed the Complaint for want of Jurisdiction, although the Federal Government's Title to said Federal enclave was clear and certain. 40 U.S.C.A. Section 255.

No answering brief was filed by defendant Anagnost in the United States Court of Appeals, and under the then rule no oral argument was permitted on defendant's behalf.

On the day of the oral argument, the defendant's wife Catherine came with Eartha Beatrice Fox, a law clerk of

the Judges of the Court of Appeals, 7th Circuit, and a close friend of Catherine and Themis Anagnost.

Eartha Beatrice Fox, delivered an oration for 15 minutes approximately, extolling and glorifying her close friend Catherine Anagnost wife of defendant Themis Anagnost, and their family. This oration took the place of an oral argument, because no oral argument was permitted without having filed a brief.

The said Old Post Office Building property was recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as the property of the United States. During the dedication of the Old Post Office Building on October 9, 1899, President William McKinley, was present. A prominent Federal Judge, C. C. Kohlsaat, delivered the dedication speech, and described the Old Post Office Building which was also used as a Courthouse, as "a visible sign of the Federal Government in our midst." The Opinion of the Court in the case against Anagnost, affirming the dismissal for want of jurisdiction, includes the following statement:

> "We can take judicial notice that the United States Government owns buildings, including postoffice buildings, under differing grants of jurisdiction, and that some post office buildings are not owned by the United States Government.
>
> "We hold the District Court acted correctly in dismissing the cause for want of jurisdiction."

A dismissal for lack of jurisdiction is not an adjudication on the merits. Rule 41(b) of the Federal Rules of Civil Procedure. *Brownell* v. *Quinn*, 47 Ill. App. 2d 206, 197 N.E. 2d 721, 724. (Vol. Five, Objections to "Report", p. 40, par. 14, continued on p. 41, and p. 42, first 3 pars.).

REASONS FOR GRANTING WRIT OF CERTIORARI

I.

The Fourteenth Amendment to the Federal Constitution guarantees equal access to courts to prevent and redress wrongs and to enforce rights. *Hatfield* v. *Bailleaux;* 290 F.2d 632, 636, (9 Cir., 1961); *Stiltner* v. *Rhay,* 322 F.2d 314, 316 (9 Cir. 1963); *Spires* v. *Bottorf,* 317 F.2d 273, 274 (7 Cir. 1963).

Equal right to remedy and justice is also guaranteed by the Illinois Constitution, Article I, Section 12.

Obviously, a state law that purports to empower a private corporation, the Chicago Bar Association, to again in its turn empower persons as commissioners to act as a super-court or board of inquisition, outside of, or over and above, the duly constituted state and federal court system, opens the way to infamous abuses of the rights of citizens. Such abuses are related with specific references to the Record, on pages 11-25 herein.

The Constitution of Illinois vests judicial power solely in the duly constituted courts, and the courts have no power to delegate any of their duties to any person or persons, not of the judicial branch of government. Illinois Constitution, Article VI, Section 1; *Kelly* v. *Fahrney,* 145 Ill. App. 89, 99-100, affirmed 242 Ill. 240.

Frank Greenberg, Chairman of Commissioners, boastfully declared that the Commissioners "sat in judgment". (Petitioner's verified Suggestions in support of Motion to Dismiss proceedings, page 13, 4th paragraph, incorporated here by reference.)

Another "Chairman" Morris J. Wexler, when petitioner requested the right to respond to the statements of the prosecutor, John W. Schelthoff commanded:

> "You have no right, unless the Commissioners say you have a right." (Vol. III, transcript of May 8, 1969, p. 28.)

The activities and behavior pattern of the commissioners in the instant matter, related and documented herein under Chronology of the Proceedings, pp. 11-25, are made criminal offenses under Title 18, United States Code, Sections 241, 242, 1503, the pertinent provisions of which are set forth on pages 4-5 of this Petition. Their activities and behavior pattern are also criminal offenses under Section 32-5 of Chapter 38, Illinois Revised Statutes, 1965-1969, relating to persons personating judicial officials, and to persons simulating legal process, which is prohibited under Section 32-7 of Chapter 38.

The filing in a state or federal court of legal papers by a party-litigant acting on his own behalf and his prosecution of legal actions affecting his own person, and property, or the statements made by a witness in court, cannot be the foundation of any accusation or prosecution, action, or complaint, in any other court or place whatsoever. Of what avail and effect are final court judgments, if another body, purporting to act as a super-court or board of inquisition can interfere with, review, re-adjudicate, and inquire into the motives of private litigants, and make accusations against the private litigants, without a signed and verified complaint, or a signed complaint, as required and specified in Section 751(b) of Chapter 110A, Illinois Revised Statutes, 1967-1969, formerly Section 101-59 of Chapter 110; without a complainant or any witness appearing to testify and without evidence.

Such behavior pattern of commissioners demonstrates that they know that their accusations against Petitioner are fictitious and false, therefore malevolent.

The assemblage of persons who, without certification from any governmental authority, are empowered by a private corporation, the Chicago Bar Association, as commissioners, having proceeded unconstitutionally, are stripped of their asserted official character. *Ex parte Young*, 209 U.S. 123, 159-160, 52 L.Ed. 714, 729 (1908).

Even if there were a special reference by the Illinois Supreme Court, and docketing of the instant matter first in the State Supreme Court, and such persons were duly certified by a governmental authority, which would also require the taking or subscribing to the oath or affirmation, they cannot be permitted to violate the Constitutional guarantees of Due Process and Equal Protection of the Laws.

> "A state can act only through agents; and whether the agent be an individual officer or a corporate agency, it ceases to represent the state when it attempts to use state power in violation of the Constitution and may be enjoined from such unconstitutional action." *School Board of City of Charlottesville, Va.* v. *Allen*, 240 F. 2d 59, 63 (4 Cir. 1956, Cert. denied).

Additional reference: *Louisiana State Board of Education* v. *Baker*, 339 F.2d 911, 913 (Cir. 5, 1964).

Lawyers are not relegated to a watered-down version of constitutional rights. *Garrity* v. *State of New Jersey*, 385 U.S. 493, 500 (1967).

A person "certainly does not forfeit his constitutional rights as freeman by becoming an attorney". *Ex parte Steinman*, 95 Pa. 220, 40 Am. Rep. 637.

> "Moreover, the requirements of procedural due process must be met before a State can exclude a person

from practicing law. 'A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment.' Schware v. Board of Bar Examiners, 353 U.S. 232, 238-239, 77 S.Ct. 752, 756. 1 L.Ed. 2d 796. As the Court said in Ex parte Garland, 4 Wall. 333, 379, 18 L.Ed. 366, the right is not 'a matter of grace and favor.'" *Willner* v. *Committee on Character and Fitness*, 83 S.Ct. 1175, 1179-1180, 373 U.S. 96 (1963).

And the Supreme Court further said at page 1180, 2nd column, 1st paragraph:

"We have emphasized in recent years that procedural due process often requires confrontation and cross-examination of those whose word deprives a person of his livelihood. (Citing authorities.)"

At page 1181, 2nd column, the Supreme Court said:

"* * * '(t)he requirements of fairness are not exhausted in the taking or consideration of evidence, but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps'". (Citing authorities).

If the opinion of the Illinois Supreme Court is allowed to stand, (App. "A", pp. 1-13), it will encourage and embolden dishonest and unethical practitioners to harass, intimidate and oppress honest and ethical attorneys and to exact payment of tribute from them.

"A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clauses of the Fourteenth Amendment." *Schware* v. *Board of Bar Examiners of N.M.* 77 S. Ct. 752, 756, 353 U.S. 232, 238-239. (Citing authorities).

At page 756, footnote 5, the Supreme Court states:

"We need not enter into a discussion whether the practice of law is a 'right' or 'privilege'. Regardless

of how the State's grant of permission to engage in this occupation is characterized, it is sufficient to say that a person cannot be prevented from practicing except for valid reasons. *Certainly the practice of law is not a matter of the State's grace.* Ex parte Garland, 4 Wall. 333, 379; 18 L. Ed. 366." (Emphasis added).

In *Re Miller,* 131 N. E. 2d 91, 95, 7 Ill. 2d 443, it is stated:

"Hearing in disbarment proceedings are judicial and must be governed by the same rules as to competency and weight of evidence as are applied to other cases on questions of fact. In re Mitgang, 385 Ill. 311, 52 N.E. 2d 807; In re Needham, 364 Ill. 65, 4 N.E.2d 19; People ex rel. Chicago Bar Association v. Amos, 246 Ill. 299, 92 N.E. 857. In order to warrant disbarment or suspension, the case must be put to a hearing on a definite theory. That theory the pleadings must outline, the evidence sustain, and the law support. The record must be free from doubt not only as to the act charged but also as to the motive with which it is done. In re Brumund, 381 Ill. 139, 44 N.E.2d 833; In re Greenberg, 380 Ill. 417, 44 N.E.2d 446; In re Hallmann, 384 Ill. 325, 51 N.E.2d 469.

"For a State may not, under the guise of prohibiting professional misconduct, ignore constitutional rights." *National Ass'n for Advance. of Colored People* v. *Button,* 83 S.Ct. 328, at 341, (Citing authorities); 371 U.S. 415.

II.

Petitioner filed papers objecting to the invasion and violation of his federal constitutionally protected rights, privileges, and immunities, and to the violation of the requirements specified in Section 751(b) of Chapter 110A, Illinois Revised Statutes, 1967-1969, formerly Section 101-59 of Chapter 110, and petitioner objected and challenged the pretended jurisdiction and authority of the assemblage

of persons as commissioners to proceed, and demanded that they cease and desist. (Vol. 1 of Record, p. 28; pp. 51-53; pp. 57-68, and Exhibits attached thereto, Exh. 1, pp. 69-74, Exh. 2, pp. 75-82, Exh. 3, p. 83, Exh. 4, p. 84; Vol. II of Record, pp. 218-220, and Exhibits attached thereto, Exh. 1, p. 221, Exh. 2, pp. 222; 223; Vol. III of Record, pp. 226-235; pp. 236-237; pp. 370-382; Vol. Five of Record, Addendum to Record, p. 23).

Petitioner made repeated demands to be furnished the names of witnesses, if any, and a list of documents proposed to be ocered in evidence. All demands were denied. (Vol. Five, Addendum to Record, p. 23; Vol. I of Record, p. 53; Vol. I, transcript of proceedings had October 6, 1966, p. 21, last par.; p. 23, 7th and 8th pars.; Vol. I, transcript of proceedings of November 10, 1966, p. 65, par. 3rd, p. 66, first paragraph).

In re Jerome, 31 Ill. 2d 284, involving the abuse of attorney-client relationship, the Illinois Supreme Court rejected evidence which consisted only of briefs, abstracts and opinions in two civil appeals to Illinois Supreme Court wherein the attorney and the client were parties.

At page 287 this Court cites the case of *People ex rel. Chicago Bar Association* v. *Amos*, 246 Ill. 299, and states:

> "There the respondent had been found guilty in a civil proceeding of misusing and misappropriating a client's (288) estate, and the decree was affirmed by the Appellate Court and this court. The only evidence in the disciplinary proceeding was the transcript of the record filed in this court in the civil case. It was held that the findings of the commissioner were not sustained by legally competent evidence to establish the truth of the disciplinary charges, and the exceptions to the report and recommendation of disbarment were sustained and the rule against the respondent was dis-

charged. 'It is essential to the administration of justice according to law that the recognized rules of evidence should be observed in this class of cases as well as in all others. The issue is of the most serious importance to the respondent. Unless he should be entitled to the protection of the established rules of law in the admission of evidence by which he is to be condemned or discharged, the trial would cease to be judicial and would become merely an inquiry for the purpose of determining the personal action of the judges. *If rules of evidence should be observed or not, according to the will of the court, then the action of the court would be arbitrary and not judicial.*' 246 Ill. 299, 303." (Emphasis added).

In the instant matter, the assemblage of persons as commissioners proceeded unconstitutionally, without a signed and verified complaint, or a signed complaint, as required and specified by Section 751(b) of Chapter 110A, Ill. Rev. Stats., 1967-1969, formerly Section 101-59 of Chapter 110, quoted on page 6 herein; without a complainant or any witness having appeared to testify, and without evidence.

John W. Schelthoff, prosecutor attorney for a pretended, unseen and unheard of complainant, on April 2, 1970, admitted that the only "evidence" consisted of "all of the complaints and actions" that were filed by petitioner over the years". (Suppl. Record, Transcript of proceedings had on April 2nd, 1970, page 32).

On October 6th, 1966, Schelthoff had stated that he has no witnesses. (Vol. I, transcript of proceedings, of October 6, 1966, page 41).

On November 10, 1966, Schelthoff stated that "the Complainant will rest." (Vol. I, transcript of proceedings had on November 10, 1966, page 120, lines 1-2).

No complainant or any witness has ever appeared to testify. There was no evidence.

On April 2nd, 1970, John W. Schelthoff admitted that there was no evidence, and stated that the "evidence" consisted of "all of the complaints and actions that were filed by respondent "over the years". (Suppl. Record, transcript of proceedings had on April 2nd, 1970, page 32).

Volume I of Record, page 1, states that the "Hearings held" were "October 6, 1966; November 10, 1966; February 1, 1968, Proofs Closed".

It is plain and obvious that the assemblage of persons, commissioners, including the prosecutor Schelthoff, knew all through their multiple sessions, since October 6, 1966, until April 2nd, 1970, that they had no evidence; they had no witnesses; and that they were violating the Due Process and Equal Protection of the Laws guarantees of the Fourteenth Amendment to the Federal Constitution, and the mandatory requirements of Section 751(b), quoted on page 5.

It is also plain and obvious that the alleged "Findings" in Volume IV of "Report", signed by Lester Asher alone, are not supported by evidence and are knowingly falsely represented as evidence.

In *Smith* v. *Department of Registration, Etc.*, 106 N. E.2d 722, at 726, 412 Ill. 332, the Court stated:

> "In the case of People v. Love, 298 Ill. 304, 131 N.E. 809, 811, 16 A.L.R. 703, the court said: 'The right to follow either one of these professions (physician or lawyer) is one of the fundamental rights of citizenship. *A person's business, profession, or occupation is at the same time property, within the meaning of the constitutional provision as to due process of law.*' People v. Brown, 407 Ill. 565, 95 N.E.2d 888. Due process of law presupposes a fair and impartial hearing before a fair and impartial tribunal. (Citing authority). (Emphasis added).

The Supreme Court at 730 further stated:

> "It is well settled in Illinois that an administrative tribunal cannot rely upon its own information for support of its findings."

The opinion in *Fleming* v. *Illinois Commerce Comm.*, 388 Ill. 138, 57 N.E.2d 384, cited in the *Pullman* case, (*Pullman Co.* v. *Illinois Commerce Commission*, 390 Ill. 40, 60 N.E.2d 232), contains the following, 388 Ill. at page 149, 57 N.E. 2d at page 390:

> In Atchison, Topeka and Santa Fe Railway Co. v. Commerce Comm., 335 Ill, 624, 167 N.E. 831, 837, we said: 'The commissioners cannot act on their own information. Their finding must be based on evidence presented in the case, with an opportunity to all parties to know of the evidence to be submitted or considered, to cross-examine witnesses, to inspect documents and to offer evidence in explanation or rebuttal, *and nothing can be treated as evidence which is not introduced as such.*'" (Emphasis added).

CONCLUSION

For reasons above stated it is respectfully submitted that the Petition for Writ of Certiorari be granted.

Respectfully submitted,

PETER S. SARELAS,
Petitioner, Pro Se.

APPENDIX

APPENDIX "A".

Certified Opinion of Supreme Court of Illinois filed on November 30, 1971 (50 Ill.2d 877, 277 N.E.2d 313), Motion to Reconsider and Vacate Decision filed on November 30, 1971; denied on January 14, 1972. (App. "C", 16-17.)

Docket No. 43138—Agenda 12—September, 1971.

In re PETER S. SARELAS, an Attorney, Respondent.

PER CURIAM: This is a disciplinary proceeding in which the respondent, Peter S. Sarelas, is charged with having brought the legal profession and the judiciary into disrepute by initiating and maintaining numerous groundless and defamatory lawsuits against judges, lawyers, and private citizens. The Committee on Grievances of the Chicago Bar Association, as Commissioners of the Supreme Court under Rule 751 (Ill.Rev.Stat. 1969, ch. 110A, par. 751), has recommended that the respondent be disbarred.

The evidence of such lawsuits consisted largely of the various complaints filed by the respondent, and the adjudicative dispositions of them. A recitation in *haec verba* of portions of the allegations of certain of the complaints filed by the respondent, even though it unduly lengthens this opinion, furnishes an exegesis of the basis of the charges. The following language is illustrative of the allegations and the nature of the suits.

In 1958, the respondent sought $100,000 in damages against 19 defendants, eight of whom were lawyers, charging conspiracy, defamation, assault and battery. The trial court dismissed the complaint insofar as the allegations of conspiracy and defamation were concerned, and

ultimately entered summary judgment for the defendants on the charge of assault and battery. The respondent's appeal was dismissed in this court. In his subsequent appeal from the assessment of costs against him, the Appellate Court, First Judicial District, felt compelled to state: "In some of these documents the plaintiff attempts to readjudicate the issues found adversely to him in the original action; in some he injects excerpts from extraneous litigation participated in by him as a party or by the defendants as attorneys, and all of them are interlaced with abuse of the lawyer-defendants who are repetitiously charged with deception, fraud and perjury. There is no excuse for such documents and there is no reason for this court to wade through a mire of irrelevant matters and scurrilous attacks in order to extricate the substance of the plaintiff's contentions. If further motions of the same type are filed in this case they will be stricken." *Sarelas* v. *Gekas*, 42 Ill.App.2d 136, 138.

In 1960, the respondent sought $300,000 in damages against two lawyers and a layman, claiming he was libeled by answers to written interrogatories in another lawsuit. The charges in the complaint, similar to those made in subsequent lawsuits, recited that the defendants: "*** willfully, wantonly, maliciously, evilly, fraudulently, and corruptly combined, conspired, confederated and agreed with each other to defame, libel, insult, intimidate and injure plaintiff by making or causing to be made false, base, scurrilous and dastardly attacks upon the character of the plaintiff in the written answers to certain interrogatories propounded to the co-defendant herein, Basil Christoforacos * * * which said answers were known by defendants and each of them to be totally false, malicious, fraudulent and corrupt fabrications when made, calculated

to defame, libel, insult, intimidate and injure the plaintiff * * * and were known by the defendants to be irrelevant and impertinent to the issues in said claim." This case was dismissed in the trial court and the dismissal affirmed. *Sarelas* v. *Makin*, 32 Ill.App.2d 339.

In 1961, he sued 21 persons, seven of whom were lawyers, for allegedly having libeled him in exhibits filed in another lawsuit. The complaint charged: "That the said defendants and each of them, contriving and wrongfully, illegally, wickedly and maliciously intending to injure, harm, oppress, torment, ruin and destroy the plaintiff and to obstruct, pervert, hinder, impede and offend the process of the Court and the conduct of said cause 58 C 17505, then and now pending, and the due administration of justice, did unlawfully, wickedly and maliciously combine, conspire, confederate and agree together to falsely fabricate evidence under the guise and pretext of 'corrections' of the minutes of the October 31, 1958 meeting of the Hellenic Professional Society of Illinois * * * All of which was knowingly and intentionally calculated to defame, libel, intimidate, torment, oppress, injure and induce an evil opinion of the plaintiff in the minds of right-thinking persons, knowing that said statements were false, fraudulent, corrupt and malicious fabrications when made, composed, written, circulated and published." This case was likewise dismissed and the dismissal affirmed. *Sarelas* v. *Alexander*, 37 Ill.App.2d 436.

Also, in 1961, the respondent filed suit against the Greek Counsul General in Chicago seeking $100,000 in damages for the defendant having purportedly: "* * * intentionally, wantonly, maliciously, fraudulently and corruptly for the purpose of impeding, hindering, obstruct-

ing or defeating the due process of public justice and with intent to injure, oppress and intimidate the plaintiff from enforcing his right to (his) legal remedies * * *." This too was dismissed, and the dismissal affirmed. *Sarelas* v. *Rocanos* (7th cir. 1962), 311 F.2d 36.

In 1962, he sought $200,000 in damages from a master in chancery for allegedly having intentionally, fraudulently, corruptly and maliciously violated his civil rights in falsely certifying to his testimony taken before the master. He further asserted that the master knew that the testimony had been altered and falsified. Summary judgment was granted for the defendant and affirmed on appeal. *Sarelas* v. *Sheehan* (7th cir. 1963), 326 F.2d 490.

In 1962, the respondent also sued 14 persons, 13 of whom were lawyers, seeking $200,000 in damages and charging them with improper conduct and abuse of process in presenting to a court his depositions taken by virtue of another court order. The complaint alleged, *inter alia*: "That the defendant in the acts above stated acted wantonly, intentionally, maliciously, fraudulently, falsely, and corruptly by virtue whereof the plaintiff is entitled to exemplary or punitive damages." This case was likewise dismissed and the dismissal affirmed. *Sarelas* v. *Porikos* (7th cir. 1963), 320 F.2d 827.

In 1963, he sued a judge of the superior court of Cook County in the United States District Court for $200,000 in damages. He alleged, among other things: "That the defendant John J. Lupe, who on other occasions was a judge * * * contrived to discriminate against the plaintiff and to damage plaintiff * * * by allowing, approving and consenting to the use * * * of a spurious, illegal and fraudulent document * * * by allowing, approving and condoning the subjection of plaintiff to an ordeal by

intimidation, defamation, insult and abuse * * * by making an arbitrary and unfounded recital in the guise, color and pretense of an order, containing non-existent and supposed facts, which the defendant * * * used and allowed approved and condoned such recital to be used * * * as an instrument of wrongdoing, and of derogation, defamation and denunciation * * * That the language and terms allowed, approved and condoned to be used * * * in such ordeal, are obscene, opprobrious and immoral * * * deprived the plaintiff of the right to judicial proceedings, and of the right to adversary judicial hearing * * * upon pretended consideration of a fraudulent document which the defendant himself had actively encouraged and assisted * * * to accumulate, knowing that it contained multitudinous alterations, deletions, and fabrications ingeniously calculated to discredit the plaintiff * * * made and entered a void, arbitrary, and fraudulent edict to discriminate against the plaintiff and to damage plaintiff * * * that the defendant knew that the pretended judicial proceedings were a sham and a nullity calculated to deprive the plaintiff of his reputation and his property * * * knowing that they included falsely fabricated documents * * * he then proceeded, under pretense of being a judge, to pretend to consider such documents and transcript, knowing all the time that said documents and transcript were frauds upon the court * * * contrived to malignantly and wickedly discriminate against the plaintiff and to intimidate, defame and denounce the plaintiff * * * in using said arbitrary and fraudulently begotten edict as an instrument of wrongdoing to defame, discredit, abuse, intimidate and injure the plaintiff * * * contrived to malignantly and wickedly discriminate against the plaintiff and declared his deep and violent prejudice against the plaintiff as a United States citizen of the Greek race * * * That the

defendant committed all of the aforesaid acts to oppress, harass, injure, defame, and vilify plaintiff * * * That the defendant in the acts above stated acted knowingly, intentionally, discriminatorily, willfully and maliciously, * * * the plaintiff was oppressed, harassed, intimidated, defamed, disparaged and villified * * * Said 'kangaroo court' is conducted in a room in the County Building and is conducted by a person pretending to be a judge and who on other occasions is a state court judge * * * The defendant, John J. Lupe, * * * contrived to wickedly and malignantly terrorize, slander, menace, revile, oppress and denounce the plaintiff, under the sham and pretense of being a judge, and knowingly without judicial authority and in absence of jurisdiction." This case was also dismissed and the dismissal affirmed on appeal on May 25, 1965, by an announcement from the bench by the United States Court of Appeals for the Seventh Circuit, in case No. 14878.

In 1963, he sued an attorney for $300,00 alleging: "That the said words 'this is a lie' spoken and published by defendant, THEMIS ANAGNOST, in combination with said mob en masse were false, malicious, destructive and injurious and were so spoken and published with intent to injure, destroy, defame the plaintiff in his person, good name, credit, reputation and property and to intimidate, menace, threaten, harass and oppress plaintiff with intent to deny him the Equal Protection of the Laws. * * * that the said statement * * * was wholly false and defamatory and injurious, wickedly and evilly spoken and published and impertinent. * * * Plaintiff was defamed, vilified, oppressed, harassed, and intimidated and brought into public scandal and disgrace and he was greatly injured and harmed in his person, good name, credit, reputation and profession, and he was caused to sustain great mental

anguish, torment, distress, humiliation, pain and mortification * * *." This case was dismissed in the trial court, and on appeal to this court as case number 39215, entitled Peter S. Sarelas v. Themis Anagnost, the appeal was dismissed May 13, 1965, on motion of appellee.

In 1963, the respondent also sued the same defendant in the Federal court on the same basis as asserted in the action brought in the State court. This suit likewise was dismissed, and the dismissal affirmed on appeal. *Sarelas* v. *Anagnost* (7th cir. 1964), 332 F.2d 111.

In 1964, he filed a petition for writ of *mandamus* and/or prohibition in the Supreme Court of the United States against the United States Court of Appeals for the Seventh Circuit and John S. Hastings, Elmer J. Schnackenberg and Luther M. Swygert, Circuit Judges, charging that in litigation in which he was involved, the court "persistently" issued opinions with statements directly opposite to the facts in the record. The respondent also charged that the court knowingly made recitals contrary to the record and knowingly relied upon a "patently perjurious affidavit" to shield a master in chancery who committed intentional torts against him. The relief sought in the petition was denied. *Sarelas* v. *United States Court of Appeals for the Seventh Circuit*, 377 U.S. 926, 12 L.Ed. 2d 303, 84 S. Ct. 1346.

In 1964, the respondent filed a second action against the same master in Chancery for allegedly intimidating, oppressing, defaming, ruining and vilifying him in his profession as an attorney. Therein he sought damages in the sum of $300,000. This suit was also dismissed and the dismissal affirmed. *Sarelas* v. *Sheehan* (7th cir. 1965), 353 F.2d 5.

In 1966, he sued the Law Bulletin Publishing Company, and others, charging that the defendant wrongfully and maliciously published the results of a trial in another case in which the respondent was the plaintiff. The respondent sought $900,000 damages. Summary judgment was granted in favor of the defendants, and this judgment was affirmed on appeal. On defendants' cross appeal from the trial court order denying them costs and attorneys' fees under sections 41 and 57(5) of the Civil Practice Act (Ill.Rev.Stat. 1967, ch. 110, pars. 41 and 57(5), the order was reversed and the cause remanded for hearing on the merits of defendants' motion for fees and costs. *Sarelas* v. *Law Bulletin Pub. Co.*, 115 Ill.App.2d 205.

In 1967, the respondent filed a third action against Themis Anagnost, above referred to, and on this occasion sued him for $600,000, charging a violation of the respondent's civil rights. The case was dismissed by the United States District Court, Northern District of Illinois, Eastern Dvision, and the dismissal was affirmed by a *per curiam* opinion of the United States Court of Appeals for the Seventh Circuit entered February 18, 1969. *Melvin Trunk, etc., and Peter Sarelas* v. *Pritker et al.*

In 1967, he also sued an ex-president of the Chicago Bar Association—an attorney—and sought $600,000 in damages on the ground that an affidavit of the defendant filed in the Law Bulletin Publishing Company case contained false, malicious and defamatory libel of the respondent. This case was dismissed.

After this grievance proceeding was initiated, the respondent and Sherman H. Skolnick sought judgment in the sum of $400,000 against the Chicago Bar Association and various individual members of that association, who were members of the grievance, judiciary and inquiry committees of the association, alleging, among other

things, in language similar to that heretofore set forth, a conspiracy to shield and protect "a certain group, or so-called gang, of malefactors, and hereinafter more fully described, who obstruct, impede, corrupt and deter the due administration of justice in Illinois by perjury, jury tampering, terrorizing and injuring witnesses, bribery, and related malevolent offenses." This case was dismissed, and a similar suit was filed within a month thereafter, which was likewise dismissed.

The foregoing illustrations are taken primarily from the findings of the Committee on Grievances as commissioners, notwithstanding the respondent's objections to these findings. The hearings before the commissioners were conducted at great length; the record is voluminous, and it is largely made up of the respondent's continued challenges to the authority of the commissioners, objections to the proceedings, demands to cease and desist, and threats to sue participants in the proceedings.

The respondent contends, before this court, that Supreme Court Rule No. 751 (Hl.Rev.Stat.1969, ch. 110A, par. 751) is unconstitutional; that the complaint filed before the commissioners was not in the form required by Supreme Court Rule No. 751(b) in that it was not properly signed; and that there was no evidence presented before the commissioners to substantiate their findings.

We have held on several occasions that the constitutionality or power of the Chicago Bar Association to act as commissioners of this court in disbarment proceedings is beyond question. (*In re Rieger*, 402 Ill. 483, 484, 485; *In re Roth*, 398 Ill. 131, 135; *In re Donaghy*, 393 Ill. 621 623; *In re McCallum*, 391 Ill. 400, 418.) The commissioners are a fact-finding body only and their recommendations to this court are merely advisory. The respondent's

contention that the acts of the commissioners and their conduct of this proceeding were unlawful and unconstitutional is without merit.

The original complaint against the respondent was filed in March of 1966 by the Committee on Inquiry of the Chicago Bar Association. The complaint was signed by Walter H. Moses and Paul B. Youle, who were designated therein as co-chairmen of the committee. An amendment to the complaint was filed in October, 1966. The amendment added three counts to the original complaint, referring to three additional legal proceedings involving the respondent which were not mentioned in the original complaint. Two of those proceedings were commenced after the filing of the original complaint—one was against the Chicago Bar Association lawyers involved in this proceeding. The amendment to the complaint was signed by the attorney who was prosecuting the case on behalf of the Committee on Inquiry.

Supreme Court Rule No. 751(b) states, among other things, that "no complaint against an attorney shall be entertained unless it is signed by * * * the chairman of a regularly appointed committee of the Chicago Bar Association * * *." The original complaint was signed by the co-chairman of the Committee on Inquiry, as required by the rule. We find the pleadings in this case sufficient to satisfy the requirements of the Supreme Court rule.

The second pleading filed on behalf of the committee was designated "Amendment to the Complaint" and not "Amended Complaint." It merely added Counts "IV," "V," and "VI" to the original complaint. It is apparent upon its face that it was not intended to supersede the original complaint. The original complaint remains a part of these proceedings and stands as the document upon which these proceedings originated. (*Bowman* v. *County of*

Lake, 29 Ill.2d 268, 272; *Rodgers* v. *Meyers & Smith, Inc.*, 57 Ill.App.2d 200, 209.) The signing of the amendment to this complaint by the attorney for the commissioner did not render the proceeding void as having been initiated without a complaint.

The respondent charges that the commissioners proceeded and made their findings without the benefit of evidence. It is true that the committee did not present witnesses to give oral testimony. The charge against the respondent, however, was that he brought the legal profession into disrepute and impaired public confidence in the judicial system by instituting groundless, frivolous, defamatory and scurrilous lawsuits. The evidence of such lawsuits consisted of the complaints which had been filed by the respondent and the adjudicative dispositions of them, as well as the testimony of the respondent under section 60 of the Civil Practice Act. The contention that there was no evidence is groundless.

The respondent has urged, and we agree, that he did not forfeit his personal right to access to the courts merely because he is a lawyer, but that is not what this proceeding is all about. A lawyer is an officer of the court. Upon admission to the bar, he must accept the imposition of certain standards of conduct, which, hopefully, are conducive to maintaining faith in the integrity of the legal profession and the judiciary.

The respondent here has taken out in litigious storm, not only against the judiciary, but also against fellow lawyers and laymen who have in some manner been connected with prior disputes wherein he was involved. He has charged them with all manner of fraud and corruption and with the purpose of maliciously inflicting harm upon him. To borrow from his own complaints, he has made these charges with scurrilous and defamatory invective. He

has demonstrated an unfortunate and insistent propensity to sue other lawyers with whom he has been involved in litigation, as well as members of the judiciary who have rendered judgments against him or his clients. He has consistently exercised this propensity with unprofessional and contemptuous language.

He has exhibited a continuous course of conduct of the type which we have found sufficient, in a single incident, to warrant disbarment. (*e.g. People* v. *Metzen,* 291 Ill. 55.) His demeanor before the commissioners was of a quarrelsome and abusive nature. He interrupted the hearings by continuous and repetitive challenges of the right of the commissioners to proceed against him, incessant demands that they cease and desist, and successive threats to sue the commisssioners and persons involved in the proceeding. The threats, by the way, were carried out.

We have reviewed the complete report of proceedings. It is a tribute to the patience and tolerance of those conducting the proceeding that they were able to maintain any semblance of an orderly procedure. Amazingly, the briefs filed by the respondent in this court are devoted primarily to the same type of abusive, repetitive accusations which give rise to this proceeding. Much of his brief is nothing more than charges, repeated time and again against other members of the bar, the judiciary and the Chicago Bar Association.

The evidence clearly warrants the disbarment of the respondent. While attorneys are not to be denied access to our courts, they will not be permitted to abuse the license and privilege to practice law by instituting groundless lawsuits against the members of the bar, the bench, and laymen who cross them. The type of litigation and conduct consistently engaged in by the respondent will not be tolerated.

In considering the sanction to be imposed against the respondent, we note that the record contains no charge or evidence of any other type of professional misconduct. We also consider the fact that he has long been licensed to and has practiced law for many years. In the light of these mitigating circumstances, we are reluctant to disbar the respondent even though the evidence warrants such action.

Consequently, the report of the commissioners is approved in all respects except with reference to the sanction to be imposed against the respondent, and the respondent is hereby suspended from the practice of law for a period of 2 years, and until further order of this court.

Respondent suspended.

UNITED STATES OF AMERICA

State of Illinois
Supreme Court—ss.

In re:

Peter S. Sarelas,
an Attorney.
No. 43138

I, JUSTIN TAFT, Clerk of the Supreme Court of the State of Illinois, and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of the opinion of the said Supreme Court in the above entitled cause of record in my office.

In Testimony Whereof, I have set my hand and affixed the Seal of the said Supreme Court in Springfield, in said State, this 1st day of February A.D. 1972.

Justin Taft *Clerk,*
Supreme Court of the State of Illinois

APPENDIX "B".

UNITED STATES OF AMERICA

State of Illinois
Supreme Court—ss.

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the eighth day of November in the year of our Lord, one thousand nine hundred and seventy-one, within and for the State of Illinois.

PRESENT: ROBERT C. UNDERWOOD, CHIEF JUSTICE
JUSTICE WALTER V. SCHAEFER
JUSTICE DANIEL P. WARD
JUSTICE JOSEPH H. GOLDENHERSH
JUSTICE THOMAS E. KLUCZYNSKI
JUSTICE CHARLES H. DAVIS
JUSTICE HOWARD C. RYAN

WILLIAM J. SCOTT, ATTORNEY GENERAL
ROBERT G. MILEY, MARSHAL
ATTEST: JUSTIN TAFT, CLERK

BE IT REMEMBERED, that, to-wit: on the 30th day of November, A.D. 1971, the same being one of the days of the term of Court aforesaid, the following proceedings were, by said Court, had and entered of record, to-wit:

In re:	)	
No. 43138	)	Information
Peter S. Sarelas,	)	1369
An Attorney	)	

And now, on this day, the Court having duly considered the Report of Commissioners, and exceptions thereto, together with the briefs filed herein, and being fully advised in the premises;

IT IS HEREBY ORDERED that respondent, Peter S. Sarelas, be suspended from the practice of law for a period of two years, and until further order of this Court.

I, JUSTIN TAFT, Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of an order of the said Supreme Court in the above entitled cause of record in my office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this 1st day of February, A.D. 1972.

Justin Taft Clerk,
Supreme Court of the State of Illinois.

APPENDIX "C":

UNITED STATES OF AMERICA

State of Illinois
Supreme Court—ss.

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the tenth day of January in the year of our Lord, one thousand nine hundred and seventy-two, within and for the State of Illinois.

PRESENT: ROBERT C. UNDERWOOD, CHIEF JUSTICE
JUSTICE WALTER V. SCHAEFER
JUSTICE DANIEL P. WARD
JUSTICE JOSEPH H. GOLDENHERSH
JUSTICE THOMAS E. KLUCZYNSKI
JUSTICE CHARLES H. DAVIS
JUSTICE HOWARD C. RYAN

WILLIAM J. SCOTT, ATTORNEY GENERAL
ROBERT G. MILEY, MARSHAL
ATTEST: JUSTIN TAFT, CLERK

BE IT REMEMBERED, that, to-wit: on the 14th day of January, A. D. 1972, the same being one of the days of the term of Court aforesaid, the following proceedings were, by said Court, had and entered of record, to-wit:

In re:	)	
Peter S. Sarelas,	)	
Respondent	)	Information
No. 43138	)	1369

And now, on this day, the Court having duly considered the motion by respondent to reconsider and vacate the decision filed November 30, 1971, and being now fully advised of and concerning the premises;

IT IS HEREBY ORDERED that the motion by respondent to reconsider and vacate the decision filed November 30, 1971, be, and the same is, denied.

I, JUSTIN TAFT, Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of an order of the said Supreme Court in the above entitled cause of record in my office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this 1st day of February, A.D. 1972.

Justin Taft Clerk,
Supreme Court of the State of Illinois.

APPENDIX "D".

UNITED STATES OF AMERICA

State of Illinois
Supreme Court—ss.

At a Term of the Supreme Court, begun and held in Springfield, on Monday, the tenth day of January in the year of our Lord, one thousand nine hundred and seventy-two, within and for the State of Illinois.

PRESENT: ROBERT C. UNDERWOOD, CHIEF JUSTICE
JUSTICE WALTER V. SCHAEFER
JUSTICE DANIEL P. WARD
JUSTICE JOSEPH H. GOLDENHERSH
JUSTICE THOMAS E. KLUCZYNSKI
JUSTICE CHARLES H. DAVIS
JUSTICE HOWARD C. RYAN

WILLIAM J. SCOTT, ATTORNEY GENERAL
ROBERT G. MILEY, MARSHAL
ATTEST: JUSTIN TAFT, CLERK

BE IT REMEMBERED, that, to-wit: on the 27th day of January, A.D. 1972, the same being one of the days of the term of Court aforesaid, the following proceedings were, by said Court, had and entered of record, to-wit:

In re:	)	
Peter S. Sarelas,	)	
Respondent	)	Information
No. 43138	)	1369

And now, on this day, the Court having duly considered the motion by respondent to stay the decision filed November 30, 1971, pending disposition of a petition for writ of certiorari in the Supreme Court of the United States, and being now fully advised of and concerning the premises;

IT IS HEREBY ORDERED that the motion by respondent to stay the decision filed November 30, 1971, pending disposition of a petition for writ of certiorari in the Supreme Court of the United States be, and the same is, denied.

I, JUSTIN TAFT, Clerk of the Supreme Court of the State of Illinois and keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of an order of the said Supreme Court in the above entitled cause of record in my office.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this 1st day of February, A.D. 1972.

Justin Taft Clerk,
Supreme Court of the State of Illinois.

APPENDIX "E".

Resolution in the House of Representatives of the Seventy-Seventh General Assembly of the State of Illinois, states:

LRB4640-1

HOUSE RESOLUTION

WHEREAS, The Chicago Bar Association, organized in May, 1872, with the high purpose of establishing and maintaining the honor and dignity of the profession of the law, the cultivation of social intercourse among its members, and increasing its usefulness in promoting the due administration of justee, has in recent times utterly failed to perform the purposes which would justify its continued corporate existence; and

WHEREAS, It should be censured for its astounding lack of performance in disciplining the profession as its Board of Managers and Committee on Grievances are empowered and CHARGED to do as Commissioners of the Supreme Court of Illinois in Supreme Court Rule 751 (Ill. Rev. Stats. c. 110A, par. 751) and should be summarily removed as a disciplinary arm of the Supreme Court; and

WHEREAS, The Chicago Bar Association does not protect the public nor the legal profession in that, among other things:

1. It fails to effectively police the profession of the law;

2. It is grossly inept in purifying the public profession of the law by not causing, as it should, the disbarment or censure of unethical practioners of the profession;

3. It is inexcusably dilatory in clearing attorneys who might be falsely chargd with an unethical practice;

4. It failed to respond to Chief John S. Judge Boyle's list of attorneys who have an unusual amount of litigation.

5. It does not properly treat firm names where some of the partners are deceased; and

6. It has one standard of justice for members of large law firms and another standard for individual practioners or members of small firms or ethnic groups; and

WHEREAS, The declared purpose of Bar Associations, including the Chicago Bar Association, is that it is an organization of lawyers to promote and maintain the practice of law as a profession, that is, as a learned art pursued in the spirit of a public service—in the spirit of service of furthering the administration of justice through and according to law, which purpose is not greatly enhanced by the operation of a restaurant or the production of theatrical events, regardless of how well run or well done; therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that it is the sense of this body:

That the certificate of incorporaton of "The Chicago Bar Association" filed May 27, 1874, be revoked by the Secretary of State, because such Association does not perform the purposes for which incorporated and it is not needed as a restaurant, a library or as a producer

of theatrical events; because it does not protect the public, promote the administration of justice through law, nor maintain the honor and dignity of the profession of the law through sound surveillance, investigation and discipline of its members; and

IT IS FURTHER the sense of this body that the Supreme Court should revoke its appointmnt of the Chicago Bar Association's Board of Managers and its Committee on Grievances as Commisioners of the Supreme Court for purposes of disciplining the members of the legal profession because of their flagrant failure to perform as such Commissioners; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be forwarded to: The Secretary of State of Illinois; The Chief Justice of the Supreme Court of Illinois; and The Board of Governors of the Chicago Bar Association of Chicago, Illinois.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1971

NO. 71-1319

In re PETER S. SARELAS,

AN ATTORNEY,

Respondent.

BRIEF IN OPPOSITION TO THE PETITION FOR WRIT OF CERTIORARI

JOHN CADWALADER MENK
29 South La Salle Street
Chicago, Illinois 60603

Heretofore appearing as amicus curiae in the Supreme Court of Illinois for the Board of Managers and the Committee on Grievances of the Chicago Bar Association, Sitting as Commissioners of the Supreme Court of Illinois under Illinois Revised Statutes, CH. 110A, § 751 (1967).

La Salle Street Press—Chicago/PrinterLink

INDEX

	PAGE
OPINION OF THE COURT BELOW	1
QUESTION PRESENTED	1
CONSTITUTIONAL PROVISION INVOLVED	1
STATEMENT OF THE CASE	2
ARGUMENT	3
CONCLUSION	5
APPENDIX A: RULE 751 OF RULES OF THE COURT OF ILLINOIS	

CASES CITED

In re Peter S. Sarelas, 50 Ill. 2d 87, 277 NE 2d 313 (Appendix 1 to 13, Petitioner's Brief)	1
In re People of the State of Illinois Ex. Rel. Peter S. Sarelas v. Board of Managers and Committee on Grievances of the Chicago Bar Association, as Commissioners of the Supreme Court of Illinois, Supreme Court of the United States, October Term 1970, No. 1126, 401 U.S. 963	2
In re Reiger, 402 Ill. 483, 484, 84 NE 2d 439	3
In re McCallum, 391 Ill. 400, 64 NE 2d 310 (326 U.S. 689)	3
Phipps v. Wilson, 186 F.2d 748, 752	3

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1971

NO. 71-1319

In re PETER S. SARELAS,
AN ATTORNEY,

Respondent.

BRIEF IN OPPOSITION TO THE PETITION FOR WRIT OF CERTIORARI

OPINION OF THE COURT BELOW

The Opinion of the Supreme Court of Illinois is published in the Official Reporter as *In re Peter S. Sarelas,* 50 Ill. 2d 87, 277 NE 2d 313. It also appears in the Appendix to Petitioner's Brief.

QUESTION PRESENTED

Is Illinois Supreme Court Rule 751 relating to disciplinary proceedings against attorneys at law an improper delegation of judicial powers?

CONSTITUTIONAL PROVISIONS INVOLVED

It is respectfully submitted that neither a Constitutional provision nor substantial Federal question is presented.

STATEMENT OF THE CASE

This matter was previously brought to the attention of this Honorable Court by virtue of another Petition for Certiorari filed by this Petitioner to the October, 1970, term of this Court, under No. 1126, 401 U.S. 963. At that time Petitioner unsuccessfully sought this Court's review of an Order of the Illinois Supreme Court denying Petitioner leave to file an original Writ of Prohibition. That Petition and the instant Petition both relate to a disciplinary proceeding instituted against Petitioner, an attorney licensed to practice before the bar of the State of Illinois, before the Grievance Committee of The Chicago Bar Association, sitting as Commissioners of the Supreme Court of Illinois pursuant to Illinois Supreme Court Rule 751 (Appendix A).

At the conclusion of the proceedings before the Grievance Committee, sitting as Commissioners, the Commissioners found that the Respondent (Petitioner) had been guilty of conduct tending to bring the bench and bar into disrepute and a recommendation was made that Respondent be disbarred. Upon review of the proceedings before the Board of Managers of The Chicago Bar Association, also sitting as Commissioners of the Supreme Court of Illinois, the Commissioners' findings and recommendation of discipline were approved, and the Report of Proceedings, together with Respondent's exceptions thereto, were forwarded to the Illinois Supreme Court for its consideration.

The Illinois Supreme Court, after review of the complete record, approved the Report of the Commissioners in all respects except as to the measure of discipline recommended which was altered from disbarment to suspension from the practice of law for a period of two years and until further Order of the Court (See Opinion of Court below).

ARGUMENT

With all due respect, we suggest that the Petition is most verbose and contains many lengthy discussions of irrelevant matters, all of which makes it quite difficult to join issue. However, it would appear that the essence of the Petition is that Rule 751 of the Rules of the Supreme Court of Illinois is an unconstitutional delegation of judicial power. This is not the first time such an argument has been made, either in the Supreme Court of Illinois or in this Court. In the case of *In re Rieger*, 402 Ill. 483, 484, the Supreme Court of Illinois said:

> "We have on several occasions held that the constitutionality or power of the Chicago Bar Association to act as Commissioners of this Court in disbarment proceedings is not subject to question. (*In re Donaghy*, 393 Ill. 621; *In re Roth*, 398 Ill. 131; *In re McCallum*, 391 Ill. 400). In the last-mentioned case the respondent attempted a review of this point in the Supreme Court of the United States, but the appeal was dismissed. We therefore deem it unnecessary to discuss this claim further."

This Court's ruling in *McCallum* appears in 326 U.S. 689.

A similar contention was made in the United States Court of Appeals for the Seventh Circuit in the case of *Phipps* v. *Wilson*, 186 F.2d 748. On page 752 of the Opinion the Court of Appeals said, citing *McCallum*,

> "A similar objection was made and overruled *In re McCallum*, 391 Ill. 400, 64 NE 2d 310, a disbarment proceeding. The court there pointed out that since 1933 committees of the Chicago Bar Association have acted as commissioners of the Illinois Supreme Court in disciplinary proceedings brought against attorneys at law in Chicago. See: Rule 59, Supreme Court Rules of Practice and Procedure, Ch. 110, Smith-Hurd Illinois Anno. Stat. § 259.59. The court emphasized that such commissioners are merely the court's agents for the

> purpose of gathering and reporting the evidence and that their recommendations are purely advisory. The court said, 391 Ill. at page 418, 64 NE 2d at page 317: 'The recommendations made are purely advisory and this court acts only after an examination of the evidence in the case, except where no answer is made by respondent, and in these cases the charges and supporting evidence are examined before action is taken by this court.'"

We respectfully direct the Court's attention to the fact that petitioner's first Petition for Certiorari in this matter, docketed to the October, 1970, term of the Court under No. 1126 (alluded to above), is essentially the same in content as the present Petition. There is some rearrangement in the order of the argument but whole sections are lifted verbatim from the previous Petition. We submit that the great bulk of the material in both Petitions is quite irrelevant to any matter in controversy.

Petitioner asserts some procedural defects in the hearings before the Commissioners but it would seem that any detailed discussion of such contentions would unduly lengthen this brief. These various contentions were raised before the Supreme Court of Illinois and were duly considered and—properly we submit—overruled. The flavor of the entire proceedings is well capsulized in this comment made by the Supreme Court of Illinois in the course of its opinion:

> "We have reviewed the complete report of proceedings. It is a tribute to the patience and tolerance of those conducting the proceeding that they were able to maintain any semblance of an orderly procedure. Amazingly, the briefs filed by the respondent in this court are devoted primarily to the same type of abusive, repetitive accusations which give rise to this proceeding. Much of his brief is nothing more than charges, repeated time and again against other members of the bar, the judiciary and the Chicago Bar Association." (Appendix 12, Petitioner's Brief.)

CONCLUSION

It is respectfully submitted that no substantial Federal question is presented and the Petition for Certiorari should accordingly be denied.

Respectfully submitted,

JOHN CADWALADER MENK
29 South La Salle Street
Chicago, Illinois 60603

Heretofore appearing as amicus curiae in the Supreme Court of Illinois for the Board of Managers and the Committee on Grievances of the Chicago Bar Association, Sitting as Commissioners of the Supreme Court of Illinois under Illinois Revised Statutes, CH. 110A, § 751 (1967).

APPENDIX A.

Illinois Revised Statutes, c. 110A § 751 (1967).

(a) The Board of Governors and its existing Committee on Grievances, and their successors as such, of the Illinois State Bar Association, and the Board of Managers and its existing Committee on Grievances, and their successors as such, of the Chicago Bar Association, are hereby appointed as Commissioners of the Supreme Court and are empowered and charged to make investigations from time to time, as may be necessary, concerning practices of attorneys at law which tend to defeat the administration of justice or to bring the courts and the legal profession into disrepute. To this end, these commissioners are further empowered and charged to receive, entertain, inquire into, and take proof concerning complaints against attorneys at law of this state, and may call to their assistance in such inquiries other members of the bar or bar associations of the state, may make all necessary rules and regulations concerning the conduct of such inquiries, and may themselves, or by such committees as they may designate, take the evidence of witnesses, as hereinafter provided.

(b) No complaint against an attorney at law shall be entertained unless it is signed by the person or persons aggrieved or by the president and secretary of a regularly organized bar association or by the chairman of a regularly appointed committee of the Chicago or Illinois State Bar Associations and unless it is sufficiently clear and specific in its charges as reasonably to inform said attorney at law of the acts of misconduct he is claimed to have committed.

(c) When a member of the bar, designated by the Board of Governors of the Illinois State Bar Association or the Board of Managers of the Chicago Bar Association so to do, shall file in the office of the clerk of the Supreme Court an affidavit showing that any respondent resides or has gone

out of this state or on due inquiry cannot be found, or is concealed within this state, so that process cannot be served upon him, and stating the place of residence of such respondent, if known, or that upon diligent inquiry his place of residence cannot be ascertained, and stating his last known place of residence, the clerk of the Supreme Court shall cause publication to be made in some newspaper of general circulation published in the county of respondent's place of residence or last known place of residence in this state, as set forth in such affidavit, containing notice of the pendency of the proceeding, the names of the complainant and the respondent, the title of this Court and that of the commissioners of the Court (the members of the Board of Governors and Committee on Grievances of the Illinois State Bar Association or of the Board of Managers and the Committee on Grievances of the Chicago Bar Association, as the case may be) and the time and place of the hearing of the case. He shall also within ten days from the first publication of such notice send a copy thereof by mail, addressed to such respondent whose residence or last known place of residence is stated in such affidavit. The certificate of the clerk that he has sent such copy in pursuance of this provision shall be evidence. Such notice shall be published for three consecutive weeks, the first insertion of which shall be at least thirty days before the date upon which the said cause shall be set for hearing by the commissioners; and unless said time has intervened no proceeding therein shall be had, but the said cause shall stand continued to a date at least thirty days after the said first date set for hearing, provided, that in case the respondent appears and consents to the hearing the cause may be heard at an earlier time.

(d) Upon application by such commissioners, or committees, the clerk of the Supreme Court shall issue writs of

subpoena ad testificandum, writs of subpoena duces tecum, or dedimus potestatem to take dispositions. The commissioners and their committees are empowered to take and transcribe the evidence of witnesses, who shall be sworn by a commissioner or any person authorized by law to administer oaths, and the commissioners shall report to the Supreme Court the failure or refusal of any person to attend and testify in response to any subpoena. The hearings before the commissioners or committees shall be private unless the respondent shall request that they be public.

(e) At the conclusion of a hearing upon any complaint against any attorney before such commissioners or committees, the Board of Governors or Board of Managers, as the case may be, shall, if action by the Supreme Court of any kind is recommended, make report to the Supreme Court of its conclusions of fact and law concerning the complaint, answer, and proof; and thereupon such matters shall stand for hearing and disposition in this Court. Such report shall be entered on the docket and entitled in the name of the respondent. Upon the filing of any such report with proof of service of a copy thereof on the respondent in the same manner as briefs are required by rule of the Supreme Court to be served, the respondent therein shall have ten days from the date of such filing to file exceptions thereto, and shall, within twenty days after the filing of such exceptions, bring to the Supreme Court the record and proofs, or such parts thereof as may be necessary to enable the Court to pass upon such exceptions. The commissioners, upon request of the respondent and payment of the actual cost thereof, shall certify to the Court the proofs and record, or such parts thereof as the respondent may designate. With such record the respondent shall file a printed brief and designation of excerpt from record or an abstract as provided in rules 341, 342, and 344.

(f) Upon the filing of exceptions to such report by the respondent, the Board of Governors or the Board of Managers, as the case may be, shall designate a member of the bar to file such certificates of proof, additional designation of excerpts or additional abstract, and brief as may be deemed necessary fully to advise the Court. Such additional designation or additional abstract, if any, and brief shall be filed within twenty days after the filing of the respondent's designation or abstract and brief, and respondent may file a reply brief and excerpts from record in 10 days. The number of excerpts or abstracts and briefs and the manner of their duplication and service shall be governed by rule 344.

LIBRARY
SUPREME COURT, U. S.

No. 71-1319

In the Supreme Court of the United States

OCTOBER TERM, 1971.

In re PETER S. SARELAS,

AN ATTORNEY,

Petitioner.

REPLY BRIEF FOR PETITIONER

PETER S. SARELAS,
10 North La Salle Street,
Chicago, Illinois 60602
CEntral 6-1442
Petitioner, Pro Se.

UNITED STATES LAW PRINTING CO., CHICAGO, ILLINOIS 60618 (312) 525-6581

In the Supreme Court of the United States

OCTOBER TERM, 1971.

No. 71-1319

In re PETER S. SARELAS,

AN ATTORNEY,

Petitioner.

REPLY BRIEF FOR PETITIONER

The "Brief In Opposition To The Petition For Writ Of Certiorari", is not responsive. It contains their customary inaccuracies and misstatements of fact, apparent in the Record. Their pattern of behavior is specified in a Resolution in the House of Representatives of the Seventy-Seventh General Assembly of the State of Illinois (App. "E", pp. 20-22, Petitioner's Brief), to revoke the certificate of incorporation of The Chicago Bar Association, "because such Association does not perform the purpose for which incorporated and it is not needed as a restaurant, a library or as a producer of theatrical events; because it does not protect the public, promote the administration of justice through law, nor maintain the honor and dignity of the profession of the law through sound surveillance, investigation and discipline of its members;" (App. pp. 21-22).

And to revoke the appointment of the Chicago Bar Association's Board of Managers and its Committee on Grievances as Commissioners of the Supreme Court of Illinois, "for purposes of disciplining the members of the legal profession because of their flagrant failure to perform as such Commissioners;" (App. p. 22).

Their wrongs are specified in the Resolution (App. pp. 20-21), as follows:

"WHEREAS, The Chicago Bar Association does not protect the public nor the legal profession in that, among other things:

"1. It fails to effectively police the profession of the law;

"2. It is grossly inept in purifying the public profession of the law by not causing, as it should, the disbarment or censure of unethical practitioners of the profession;

"3. It is inexcusably dilatory in clearing attorneys who might be falsely charged with an unethical practice;

"4. It failed to respond to Chief John S. Judge Boyle's list of attorneys who have an unusual amount of litigation;

"5. It does not properly treat firm names where some of the partners are deceased; and

"6. It has one standard of justice for members of large law firms and another standard for individual practitioners or members of small firms or ethnic groups;".

In the instant matter, petitioner was victimized as a scapegoat for their misdeeds, and was punished, without a signed and verified complaint, or a signed complaint, required and specified by Section 751(b), Chapter 110A, Illinois Revised Statutes, 1967-1969, quoted on page 6 of the Petition; without a complainant or any witness having appeared to testify and confront the petitioner; and without evidence. (See Chronology of the Proceedings in Petition, pages 11-24, p. 36, 2nd, 3rd and 4th pars., citing references to Record.

Petitioner's repeated demands to be furnished the names of witnesses, if any, and a list of documents proposed to be offered as evidence, were denied. (Petition, page 20, par. (p), citing references to Record).

Petitioner was denied the basic right to respond to the statements of the prosecutor attorney, John W. Schelthoff. A chairman commanded: "You have no right unless the Commissioners say you have a right." (Petition, p. 34, 2nd par.; p. 59, 1st par., citing references to Record).

It was admitted during the first session of proceedings on October 6, 1966, that they had no witnesses. (Petition, p. 34, 1st par., citing reference to Record).

On November 10, 1966, during the second session, the prosecutor attorney stated that the complainant rests. (Petition, p. 34, 1st par., citing reference to Record).

After stating on October 6, 1966, that they had no witnesses; and that the complainant rested on November 10, 1966, they convened a third illegal ex-parte session on February 1st, 1968. Lester Asher, Chairman, stated: "The case is therefore closed." (Petition, p. 34, 1st par., citing reference to Record). And in Vol. I, page 1, of Record, it is stated: "February 1, 1968. Proofs closed".

On April 24, 1969, a fourth illegal session was convened. Only Lester Asher and Morris J. Wexler were present, each declaring that he was "chairman".

The prosecutor attorney was allowed to offer as "evidence", copies of complaints, in petitioner's private litigation, past and pending, without service of copies with the required Notice upon petitioner; without a complaint; without a complainant or any witness to testify and to confront the petitioner; and without evidence. (Petition, pages 18-19, par. (n)).

Lester Asher and Morris J. Wexler, the only commissioners present and each declaring to be "chairman", ordered another session for May 8, 1969, the fifth one, over petitioner's objections. In Volume I of the Record, page 1, it is stated that the "Hearings Held" were only "October 6, 1966; November 10, 1966; February 1, 1968 Proofs Closed." (Petition, p. 19, 3rd par.).

On May 8, 1969, which was 2 years, 5 months and 29 days after November 10, 1966, when the prosecutor attorney stated that the complainant rests, Lester Asher, chairman, over petitioner's objections, commanded that copies of complaints in petitioner's private litigation, past and pending, are received as "evidence" as of April 24, 1969. (Petition, pp. 19-20, par. (o), citing references to Record).

On April 2nd, 1970, during the Sixth Session, it was admitted by the prosecutor attorney that there was no evidence; that the "evidence" consisted of "all of the complaints and actions that were filed" by petitioner "over the years". (Petition, p. 34, 1st par., citing reference to Record).

In the Opinion (App. "A", p. 9, 2nd par.), it is stated that the "illustrations" recited in the Opinion, are from the "findings" of the Committee on Grievances, "notwithstanding the respondent's objections to these findings". It is also stated that there was no evidence, and that the evidence consisted of the various complaints filed by petitioner, "and the adjudicative dispositions of them." (App. "A", p. 1, 2nd par.).

It is therefore plain and obvious that the Opinion is not a judicial determination, and violates the Due Process and Equal Protection of the Laws Clause of the Fourteenth Amendment to the Federal Constitution and it ignores and contravenes, Article VI, 2nd and 3rd Clauses of the Constitution of the United States, quoted in Petition, page 3, par. A. (See authorities cited and quoted in Petition on pages 62-66 and on pages 58-62).

The Opinion also ignores and contravenes Section 61(c)-(3) of Chapter 110A, Illinois Revised Statutes, 1970 Supplement, 1971, quoted in the Petition, p. 7, par. P, which states:

> "It is the duty of all judges to support the Federal and applicable State constitutions; in doing so, they should fearlessly observe and apply fundamental limitations and guarantees."

The Opinion, (App. "A", p. 13, 1st par., lines 2-3), states:

> "* * * we note that the record contains no charge or evidence of any other type of professional misconduct." (Petition, App. "A", p. 13, 1st par., lines 2-3),

The behavior pattern of the persons asserting that they are commissioners, clearly indicates that they were interfering and obstructing justice in petitioner's past and pending litigation.

Petitioner's right of equal access to courts on his own behalf, to prevent and redress wrongs and to enforce rights, and petitioner's equal right to the full and equal benefit of all laws and judicial proceedings for the security of person and property, are protected by the Due Process and Equal Protection of the Laws Clauses of the Fourteenth Amendment to the Federal Constitution. (See cited authorities in Petition, page 58).

Petitioner's equal right not to have his pending litigation interfered with and not to subject it to obstruction of justice techniques, is also protected by the Due Process and Equal Protection of the Law Clauses of the Fourteenth Amendment.

Petitioner's right to follow his profession as a lawyer, is a property right protected by the Due Process and Equal Protection Clauses of the Fourteenth Amendment, and the Illinois Supreme Court cannot exclude the petitioner from the practice of law in a manner or for reasons that contravene the Due Process and Equal Protection of the Laws. (See cited and quoted authorities in Petition, pages 60-66).

Due Process and the Equal Protection of the Laws were denied to the Petitioner. (See Chronology of the Proceedings, in Petition, pages 11-24, page 36, 2nd, 3rd and 4th pars., citing references to Record).

CONCLUSION

For all of the reasons stated in the Petition and in this Reply Brief for Petitioner, it is respectfully submitted that the Petition for Writ of Certiorari should be granted.

Respectfully submitted,

PETER S. SARELAS
10 North La Salle Street
Chicago, Illinois 60602
Petitioner, Pro Se.